HOUSE OF REPRESENTATIVES—*Tuesday, April 8, 1986*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. FOLEY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, *March 25, 1986.*

I hereby designate the Honorable THOMAS S. FOLEY to act as Speaker pro tempore on Tuesday, April 8, 1986.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Frank L. Fowler III, pastor, Trinity United Methodist Church, Hackettstown, NJ, offered the following prayer:

Eternal God, in whom alone is the strength of our heart and the hope of our world, we pause to open our lives to Your higher power, which we know as the true source of internal peace and international brotherhood.

Lead us, Lord, that the business and busyness of daily work might not divert us from understanding Your plan, and our part in it. Guide and direct these servants in their thought and labor. Fill them with the calm assurance of Your perpetual presence, that their deliberations and decisions would reflect divine truth in seeking the welfare of each of Your children.

Give us courage daily to act in accordance with Your will, seeking to reveal Your perfect love, as given through Jesus, the Christ. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 6. An act to provide for the conservation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure; and

H.R. 1349. An act to reduce the costs of operating Presidential libraries, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 6) "An act to provide for the conservation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STAFFORD, Mr. ABDNOR, Mr. DOMENICI, Mr. DURENBERGER, Mr. BENTSEN, Mr. MOYNIHAN, and Mr. BAUCUS, from the Committee on Environment and Public Works, Mr. PACKWOOD, Mr. ROTH, Mr. DANFORTH, Mr. LONG, and Mr. MATSUNAGA, from the Committee on Finance for section 606 and title VIII of the Senate amendment and section 109 and title XV of the House bill, to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 410) "An act to repeal the Commercial and Apartment Conservation Service, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCLURE, Mr. HATFIELD, Mr. DOMENICI, Mr. MURKOWSKI, Mr. NICKLES, Mr. JOHNSTON, Mr. BUMPERS, Mr. FORD, and Mr. METZENBAUM, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed joint resolutions and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 263. Joint resolution to designate the week of September 7 through September 13, 1986, as "National Independent Retail Grocer Week";

S.J. Res. 264. Joint resolution designating April 28, 1986, as "National Nursing Home Residents Day";

S.J. Res. 279. Joint resolution to designate the month of October 1986, as "Lupus Awareness Month";

S.J. Res. 283. Joint resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985;

S.J. Res. 294. Joint resolution to designate the month of April 1986 as "National Child Abuse Prevention Month";

S.J. Res. 296. Joint resolution to designate October 16, 1986, as "World Food Day";

S.J. Res. 308. Joint resolution designating March 25, 1986, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; and

S. Con. Res. 95. Concurrent resolution to recognize and honor the contributions of Consumers Union.

The message also announced that pursuant to section 9355(a), title 10, of the United States Code, the Vice President appoints Mr. STEVENS from the Committee on Appropriations, and Mr. GOLDWATER from the Committee on Armed Services to the Board of Visitors of the Air Force Academy.

The message also announced that pursuant to section 6968(a), title 10, of the United States Code, the Vice President appoints Mr. HATFIELD from the Committee on Appropriations, and Mr. DENTON from the Committee on Armed Services, to the Board of Visitors of the Naval Academy.

The message also announced that pursuant to section 194(a), title 14, of the United States Code, the Vice President appoints Mr. DANFORTH from the Committee on Commerce, Science, and Transportation, and Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, to the Board of Visitors of the Coast Guard Academy.

The message also announced that pursuant to Public Law 96-114, as amended by Public Laws 98-33 and 99-161, the Chair, on behalf of the majority leader and the minority leader, appoints Mr. WALLOP, Mr. SIMON, Mr. Ben H. Love from private life, Mr. Joshua Miner from private life, Sir Gordon White from private life, Miss Cathy Lee Crosby from private life, Mr. Donald R. Keough from private life, Mr. S. Lee Kling from private life, the Honorable Shirley A. Chisholm from private life, and Mr. Phillip V. Sanchez from private life, to the Congressional Award Board.

The message also announced that pursuant to section 1295(b), title 46, of the United States Code, the Vice President appoints Mr. KASTEN from the Committee on Commerce, Science, and Transportation, and Mr. DANFORTH from the Committee on Commerce, Science, and Transportation, to the Board of Visitors of the Merchant Marine Academy.

THE REVEREND FRANK L. FOWLER III

(Mr. COURTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTER. Mr. Speaker, it gives me indeed a great deal of personal pleasure to introduce to the body today Rev. Frank L. Fowler III.

Reverend Fowler is my minister in Hackettstown, NJ. He is an ordained

elder of the United Methodist Church, a member of the Northern New Jersey Conference.

He received his bachelor degree at West Virginia Wesleyan College, master of divinity at Wesley Theological Seminary. He attended the New College University of Edinberg, Scotland, and received his doctorate of philosophy from New York University.

He was, for a period of time, an associate pastor in Plainfield, NJ, and for 8 years, pastor at the United Methodist Church in Newfoundland, NJ.

He is a free lance writer. He is a true friend and a great minister.

Indeed, it is a pleasure for me to welcome here today the Reverend Frank Fowler.

VOTE AGAINST HUGHES "LAW ENFORCEMENT" AMENDMENT

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, I wish to issue a warning to everybody that tomorrow when we consider the Volkmer substitute for H.R. 4332, Congressman HUGHES will offer an amendment he designates the "law enforcement amendment."

We want to beware. This amendment is nothing more than the most strident gun control measure he could offer. It is very insidious.

The Hughes amendment would require every gun owner who has ever traded, sold, given away, or in any way transferred any firearm, and that includes a rifle, a shotgun, or a handgun, to acquire a dealer's license before that gun owner can legally dispose of any second firearm, rifle, shotgun, or handgun thereafter.

That means that we would be registering through dealerships every gun owner in the United States.

Also, the "engaged in business" language of the Hughes amendment would in effect require virtually all of your sportsmen and hunters to become licensed dealers.

Additionally, many hand loaders, people who out there are loading their own shells—we have them all over the United States—would be licensed as manufacturers of ammunition under the Hughes amendment.

The Hughes amendment would force a majority of the Nation's 60 million firearms owners to be licensed by the Federal Government.

I urge you to oppose this gun control amendment by Congressman HUGHES.

HONDURAN PRESIDENT JOSE AZCONA REBUTS REPORTS OF UNITED STATES PRESSURE

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, recent news reports have called into question the severity of the Nicaraguan invasion into Honduras last month. One would get the impression that perhaps the administration's concern would have been justified if 1,500 Nicaraguan soldiers had crossed the Honduran border, but if it had been only 800, then perhaps that was not so bad. Well, whether the number was 800 or 1,500, the implications of the Nicaraguan invasion of Honduras must not be minimized. Nor should we minimize the reaction of the Hondurans themselves.

News reports have said that the United States pressured the Hondurans to react strongly to the Nicaraguan invasion. Honduran President Jose Azcona rebutted those reports of United States pressure in an address to his nation last Friday night. President Azcona confirmed that 1,500 Nicaraguan troops had entered Honduran territory as Washington had reported. He also stated that Honduras had killed five Sandinista soldiers and had taken seven prisoners. President Azcona said he made his decision to seek U.S. military aid "without outside or domestic pressures" and was willing to "ask for U.S. military support as many times as is necessary to defend the nation."

ENCOURAGING NEWS ON DEFENSE MANAGEMENT REFORM

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, the recent announcement that the President will support changes recommended in the Packard Commission report on defense management is welcome news to those of us in Congress who have been working for years to reform the way the Pentagon does business.

The President's support in essence reversing past opposition expressed through the Secretary of Defense and the Joint Chiefs of Staff means that we are considerably closer to final enactment of legislation reorganizing the Defense Department.

Mr. Speaker, I have been pushing for reorganizing of the Defense Department, particularly the Joint Chiefs of Staff, since I first introduced legislation on this subject back in 1983.

With the participation and strong support of the gentleman from Alabama [Mr. NICHOLS], the chairman of the Investigation Subcommittee, and the gentleman from Wisconsin [Mr. ASPIN], the chairman of the full Armed Services Committee, as well as Members of the other party in the House Armed Services Committee, we have twice been successful in getting this legislation through the House. Although the Senate was initially cool to this proposal, they have reversed themselves this past year and now seem favorably disposed toward Department of Defense reorganization.

Mr. Speaker, now that the President has embraced the conclusions of the Packard Commission and has joined those of us in Congress who have been advocating a more efficient, cost-effective national defense, we are much closer to ultimate success.

Mr. Speaker, I welcome the President onboard, although belatedly.

NATIONAL INSURANCE AVAILABILITY CRISIS COMMISSION

(Mr. SCHULZE asked and was given permission to address the House for 1 minute.)

Mr. SCHULZE. Mr. Speaker, today I am introducing legislation to address a crisis in America. A crisis touching every segment of our society and adversely afflicting our economy and the health and education of our children. The crisis is the cost and availability of liability insurance.

My legislation would establish a National Insurance Availability Crisis Commission. The Commission would include representatives from the legal profession, the insurance industry, the Federal Government and the States, and the various business sectors hit by the availability crisis. The Commission would examine all aspects of the current crisis be it tort reform or insurance pricing, and make recommendations to the Congress with mandated congressional action.

The Commission is designed to work. It includes strict timetables for action and, perhaps, most importantly, it costs no Federal dollars. My bill requires action within 11 months of enactment.

I urge my colleagues to support the establishment of a National Insurance Availability Commission and to support my legislation.

FACE BRANDING

(Mr. HORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORTON. Mr. Speaker, today I am being joined by 18 of our colleagues in introducing a sense-of-Congress resolution urging the Secretary of Agriculture to investigate identification procedures to be used in place of the hot-iron branding of animals' cheeks.

Hot-iron cheek branding has generated substantial controversy across the country. To participate in the dairy termination program, dairy farm owners must brand all cows with a 3-

inch X on the right cheek. For calves, a 2-inch X must be burned in.

While most cattle and dairy farm owners in the West and Midwest have used flank branding for years, very few dairy farmers in the Northeast have chosen this method. Because of this inexperience, the danger to both the animal and the brander is greatly increased. Alternatives must be found.

The letters I have here are just a sample of the tremendous outpouring of opposition to this practice in upstate New York. People are writing in, "horrified" and "appalled" at this "cruel and inhumane" treatment. Dairy farmers, many who have even named their cows, are outraged that the Government would force them to brand on the cheek. Cows are beautiful animals. I urge the Secretary of Agriculture to halt this means of identification immediately.

Mr. Speaker, this resolution directs Secretary Lyng to take immediate steps to investigate effective alternatives to hot-iron cheek branding, and to predicate future animal identification on these findings. The Secretary is directed to report to the House Agriculture Committee within 90 days of passage, and annually thereafter on the long-term findings.

I urge my colleagues to join with me in this sense-of-Congress message to the Secretary.

SQUANDERING THE CHANCES FOR PEACE

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, in Washington, the President is discussing a second summit with Soviet Ambassador Dobrynin. But in Nevada, the Reagan administration is squandering the one good opportunity for arms control that we've had in a long time.

Today's scheduled nuclear explosion at the Nevada test site will likely mean the end of the 8-month-old Soviet moratorium on nuclear tests. And that means that the unrestrained superpower race for more powerful and more accurate nuclear weapons will continue unabated.

The administration argues that a test ban isn't verifiable. It argues that we need to test to ensure the reliability of our weapons. But these arguments have as many holes as the Nevada desert has craters.

The real reason for testing is to continue development of a new generation of increasingly dangerous weapons, including the President's star wars fantasy.

Since the President refuses to act, Congress must. We should, as the bill introduced by the gentlewoman from Colorado [Mrs. SCHROEDER] urges, cut off all funding for nuclear tests, and we should maintain that posture so long as the Soviets do not test. Let us not squander this rare opportunity to slow down the nuclear arms race.

□ 1215

TRIBUTE TO AMBASSADOR JOHN GAVIN

(Mr. BADHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BADHAM. Mr. Speaker, I read in this morning's Washington Post, with some dismay, that John Gavin, the Ambassador of the President of the United States to Mexico, has resigned.

I would just like to say that I have known John Gavin for many years; that he and I went to elementary school, high school, and indeed the university together in California. I was somewhat amused when people were saying that, "John Gavin is an actor," when appointed by the President of the United States, not even taking time to recognize the fact that John Gavin was born in Mexico, speaks fluent Spanish, and has been probably in business in Mexico for more years than many people have even visited Mexico. He was highly trained, highly capable, highly successful as a businessman; indeed, on a first-name basis with Presidents of Mexico and served as a credit to the President of the United States, his policies, and the people of the United States in his representation.

I will be sorry to see Ambassador Gavin go, and I wish him the best of all possible things that can come his way in the future. We will miss a good Ambassador.

TRIBUTE TO UNIVERSITY OF LOUISVILLE CARDINALS AND COACH DENNY CRUM

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, our colleague RON MAZZOLI, who represents Louisville, KY, in the House, has already congratulated our University of Louisville Cardinals.

As a member of the Kentucky delegation who is a proud alumnus of the University of Louisville, I also want to congratulate our U. of L. Cardinals upon winning the 1986 NCAA basketball tournament in Dallas, TX, on March 31.

Special congratulations to U. of L. Basketball Coach Denny Crum upon winning his second NCAA basketball tournament in the past 7 years and upon his teams' reaching the final four in the NCAA tournaments four times in the past 7 years.

Hopefully, some year in the future Denny Crum will be recognized and voted "Coach of the Year" in college basketball.

Please attend the reception which our colleague RON MAZZOLI mentioned earlier and meet Coach Crum and the U. of L. championship Cardinals. That's Wednesday of next week, April 16, 3–5 p.m. in S–207 of the Capitol.

THIS OIL POLICY IS MISSION IMPOSSIBLE

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, in 1968, George Romney said he was brainwashed. In 1972, Ed Muskie cried in the snows of New Hampshire. In 1984, Walter Mondale guaranteed a tax increase to the American people. Now, in 1986, GEORGE BUSH has gone to Saudi Arabia to bolster OPEC.

Everyone else in the administration has been crowing about how OPEC has been busted and what a great thing low oil prices are for America, and Mr. BUSH is over there in the Middle East conducting his own private, foreign policy. It would be one thing if the Vice President were getting backup from the administration, but his mission is like "Mission Impossible"; they have disavowed any knowledge of his actions.

Mr. Vice President, this is not a Texas Chamber of Commerce field trip. You are supposed to be representing the American people. Certainly many would argue that we need to bolster domestic prices and encourage domestic oil conservation but, then, why do you not urge the President to go for an oil tax and in that way see that the money from domestic prices ends up in Uncle Sam's pockets and not in King Fahd's robes.

BEST WISHES FOR A SPEEDY RECOVERY TO CONGRESSMAN MANUEL LUJAN

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, I know that my colleagues join with me today in sending our best wishes for a speedy recovery to a member of the New Mexico congressional delegation, Congressman MANUEL LUJAN.

Over the weekend, Congressman LUJAN had a heart attack and underwent a bypass operation. The good news is that he is resting comfortably in Albuquerque.

MANUEL, I am anxiously awaiting your return to Congress. With the House back in session, it is time to resume some of the major New Mexico

battles of the day—not deficits, not taxes, not Nicaragua. I look forward to the day when you will again lead the charge to once again establish chili, good old New Mexico chili, as the national dish.

Mr. Speaker, I know I speak for my colleagues in wishing Congressman LUJAN a speedy recovery, one of the more decent Members of this House who is desperately needed back. I join in sending to Mr. LUJAN from my colleagues good wishes to his family, his lovely wife, Jean, his constituents. The message from the Congress, MANUEL is, get well, MANUEL.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. KILDEE) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
March 31, 1986.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate:

(1) At 4:25 p.m. on Wednesday, March 26, 1986: That the Senate passed, without amendment, House Concurrent Resolution 305; and

(2) At 10:00 a.m. on Friday, March 28, 1986: That the Senate agreed to the House amendment to Senate Joint Resolution 52.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker pro tempore signed the following enrolled bill and joint resolution on Monday, March 31, 1986:

H.R. 3128. An act to provide for reconciliation pursuant to section 2 of the first concurrent resolution on the budget for fiscal year 1986 (S. Con. Res. 32, 99th Congress); and

S.J. Res. 52. Joint resolution to designate the month of April 1986 as "National School Library Month."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representative:

WASHINGTON, DC,
April 8, 1986.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House 2:55 p.m. on Wednesday, March 26, 1986 as follows:

(1) Said to contain a report of the activities of the United States Government in the United Nations and its affiliated agencies during the calendar year 1984; and

(2) Said to contain a report entitled "The National Energy Policy Plan"; and

(3) Said to contain the Ninth Annual Report of the National Institute of Building Sciences.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

REPORT OF ACTIVITIES OF THE UNITED STATES GOVERNMENT IN THE UNITED NATIONS AND ITS AFFILIATED AGENCIES, DURING CALENDAR YEAR 1984—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs:

(For message see proceedings of the Senate of Wednesday, March 26, 1986, at page 6311.)

REPORT ON THE NATIONAL ENERGY POLICY PLAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of Wednesday, March 26, 1986, at page 6311.)

NINTH ANNUAL REPORT OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking, Finance and Urban Affairs:

(For message, see proceedings of the Senate of Wednesday, March 26, 1986, at page 6310.)

□ 1225

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, April 9, 1986.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE REPORT ON H.R. 4420, MILITARY RETIREMENT REFORM ACT

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may have until 6 p.m. today, April 8, 1986, to file a report on the bill, H.R. 4420, the Military Retirement Reform Act.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

EXECUTIVE EXCHANGE PROGRAM VOLUNTARY SERVICES ACT OF 1986

Mrs. SCHROEDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3002) to provide for the establishment of an experimental program relating to the acceptance of voluntary services from participants in an executive exchange program of the Government, as amended.

The Clerk read as follows:

H.R. 3002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Executive Exchange Program Voluntary Services Act of 1986".

SEC. 2. DEFINITIONS.

For the purposes of this Act—

(1) the term "Government" means the Government of the United States;

(2) the term "participant in an executive exchange program" means an executive, manager, or other individual from the private sector participating in an executive exchange program administered by the President's Commission on Executive Exchange (described in Executive Order 12493, dated December 5, 1984) or by a successor entity in function;

(3) the term "agency" means an Executive agency (as defined by section 105 of title 5, United States Code), the United States Postal Service, and the Postal Rate Commission; and

(4) the term "employee of the Government" means an individual employed in or under an agency.

SEC. 3. EXPERIMENTAL PROGRAM.

(a) The President may establish an experimental program, to be conducted during fiscal years 1987 through 1989, under which voluntary services may be accepted by the Government, without regard to section 1342 of title 31, United States Code.

(b) Under the program, the voluntary services of an individual may be accepted if—

(1) such individual is a participant in an executive exchange program;

(2) the acceptance of such services will not result in the displacement of any employee of the Government; and

(3) the voluntary services will be performed in or under an agency.

(c)(1) An individual performing voluntary services under the experimental program shall, for purposes of any laws, rules, and regulations of the United States (including those relating to conflicts of interest, financial disclosure, and standards of conduct) be considered an individual employed in or under the agency to which assigned, except that such individual shall not be covered by chapter 51, 53, 63, 83, 87, or 89 of title 5, United States Code, or any comparable provision relating to pay, leave, retirement, life insurance, or health benefits for employees of the Government.

(d) Not more than ten individuals may commence participation in the experimental program during any fiscal year.

(e)(1) Nothing in this Act shall prevent—

(A) the continuation of pay and other benefits from the private-sector employer, or

(B) continued participation in a bona fide pension, retirement, group life, health or accident insurance, profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by the private-sector employer,

for an individual performing voluntary services in the experimental program.

(2) For the purpose of this section, the term "private-sector employer", as used with respect to an individual, means the corporation or other person by which such individual was employed immediately before beginning to perform voluntary services in the experimental program.

SEC. 4. REPORTS.

Not later than March 31, 1989, the President's Commission on Executive Exchange (or a successor entity in function) shall transmit to the Congress a report on the experimental program under this Act. The report shall include a description of the administration of the program, the findings of the Commission (or successor entity) relating to the advantages and disadvantages of accepting voluntary services from participants in an executive exchange program, and recommendations for legislation (if any) relating to the continuation of the program.

The SPEAKER pro tempore. Is a second demanded?

Mr. HORTON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 20 minutes and the gentleman from New York [Mr. HORTON] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H.R. 3002 was introduced by our colleague FRANK HORTON at the request of the President's Commission on Executive Exchange. The executive exchange is a program created by President Johnson and supported by every President since then. It brings private sector executives into the Government and sends Government executives out to the private sector for 1-year exchange programs.

The program is one small way that the mutual distrust which sometimes exists between these two kinds of executives can be reduced.

H.R. 3002 as reported by the Committee on Post Office and Civil Service establishes an experimental program to be run during fiscal years 1987 through 1989, in which 10 of the private sector participants in the Executive Exchange Program may work for the Government but be paid by their regular employers. This will permit 10 of the private sector participants each year to be paid by their companies at rates above the Federal pay cap.

This legislation was requested by the administration because it claims that the Executive Exchange Program is unable to attract the senior level private sector managers it wants with the Federal pay cap. Obviously, what we are seeing is that Federal executives are paid far less than their private sector counterparts.

All private sector executive exchange participants, including those in the experimental program, are subject to laws relating to conflict of interest, financial disclosure, and standards of conduct. We requested an opinion from the Justice Department on the applicability to executive exchange participants of the criminal statute (18 U.S.C. 209) which prohibits executive branch employees from receiving compensation from sources other than the Government. I include a copy of the letter from the Department of Justice in the RECORD at this point.

Washington, DC, April 2, 1986

Hon. PATRICIA SCHROEDER,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SCHROEDER: You have asked for the opinion of this Department as to whether H.R. 3002, the "Executive Exchange Program Voluntary Services Act of 1985," conflicts with 18 U.S.C. 209, which generally prohibits executive branch employees from receiving compensation from sources other than the Government.[1] Section 3(b)(2) of the bill provides that participants in the Executive Exchange Program of the President's Commission on Executive Exchange must receive their compensation solely from the nongovernmental entity responsible for nominating them for participation in the program. While the proposed program does not directly conflict with the terms of section 209, it is somewhat at odds with the policy underlying that statute, and accordingly, we direct your attention to several matters of concern.

By its own terms, section 209's prohibition on extra-governmental compensation does not extend "to an officer or employee of the Government serving without compensation, whether or not he is a special Government employee, or to any person paying, contributing to, or supplementing his salary as such." 18 U.S.C. 209(c). Executive Exchange Program participants under H.R. 3002 would receive no compensation from the government, and thus would not be prevented from receiving compensation from their sponsoring organizations.[2] Nonetheless, while the law is technically inapplicable, we believe that the policies it embodies ought to be closely examined in the context of this bill.

The principal animating section 209 and its predecessor statutes is "that no Government official or employee should serve two masters to the prejudice of his unbiased devotion to the interests of the United States." 33 Op. A.G. 273, 275 (1922). A number of considerations underlie this concern: (1) government employees who are paid by outside sources may be subject to pressures from those sources that can adversely affect their service to the federal government; (2) such employees may tend to favor the interests of the outside sources of payment even in the absence of actual pressure; (3) employees paid by outside sources are less subject to agency discipline, and are often substantially better paid, than their fellow employees, which may lead to internal personnel difficulties; and (4) even in the absence of any specific problems, such payment may result in the appearance of impropriety. All of these considerations call for special care in authorizing the use of volunteer services, to ensure that such authorization is consistent with the interests of the government and its tradition of independent and unbiased service to the public.

Several features of the Executive Exchange Program highlight the need for careful scrutiny. First, unlike special government employees, who by statute are limited to working a relatively short period,[3] or

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[1] Section 209(a) provides: Whoever receives any salary, or any contribution to or supplementation of salary, as compensation for his services as an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality; or

Whoever, whether an individual, partnership, association, corporation, or other organization pays, or makes any contribution to, or in any way supplements the salary of, any such officer or employee under circumstances which would make its receipt a violation of this subsection—

Shall be fined not more than $5,000 or imprisoned not more than one year, or both.

[2] Nor, of course, would the organizations be prevented from paying the salaries of participants.

[3] Special government employees include principally those who perform, "with or without compensation, for not to exceed one hundred and thirty days during any period of three hundred and sixty-five consecutive days, temporary duties either on a full-time or intermittent basis * * *." 18 U.S.C. 202(a).

most volunteers, who work part-time, the participants in the Executive Exchange Program will be working for one year as full-time government employees. The legislative history of section 209 suggests that the exception embodied in section 209(c) was largely intended to accommodate part-time or intermittent employees.[4] Again, while the express terms of section 209(c) are not so limited, we believe that the policy behind the exception has less force with respect to full-time volunteers receiving full salaries from outside sources.[5] Second, Executive Exchange Program participants will presumably serve in relatively high-level jobs within the government, participating in precisely the kinds of decisions that the conflict of interest laws most clearly contemplated.

On the other hand, we believe that H.R. 3002 substantially mitigates these concerns by proposing only a three-year experimental program limited to at most ten employees, and by making the conflict of interest laws, other than Section 209,[6] applicable to all program participants. As a result of these important qualifications, we do not object to the enactment of H.R. 3002. Nevertheless, since we have consistently noted the concerns discussed in this letter in the past, we ask that you give them serious consideration as you proceed. In particular, we would be wary of any proposal to extend this or a similar program beyond the limits set out in H.R. 3002.

The Office of Management and Budget has advised this Department that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

JOHN R. BOLTON,
Assistant Attorney General.

Mr. Speaker, participants in the experimental program are not considered Federal employees for purposes of classification, pay rates, leave, retirement, and life and health insurance. Other participants are treated like other Federal employees who are subject to a limited 1-year appointment.

The President's Commission on Executive Exchange will administer the program. At the end of the 3-year experimental program, the Commission will report to Congress on the advantages and disadvantages of the voluntary program, so we can decide whether to continue it.

I urge approval of this legislation.

Mr. HORTON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, H.R. 3002 establishes a 3-year experimental program that I believe will greatly improve the operation and objectives of the President's Commission on Executive Exchange.

I believe that a better understanding between the private and public sectors is essential to the future of this country—economically, socially, and politically. That is why I introduced H.R. 3002. The Executive Exchange Program is one vehicle that has fostered this understanding, and at low cost to the Federal budget. It allows private and public sector executives to change jobs for a 1-year period. Selected public sector executives go to work for private corporations and private sector participants come to work for the Government. To my knowledge, the participant endorsement throughout its 18-year history has been 100 percent. All agree that the experience was worthwhile and improved understanding and fostered cooperation between the two sectors.

H.R. 3002 is an attempt to correct a problem that now inhibits the participation in the program of senior private sector executives. In many instances, senior private sector executives are paid more than their public sector counterparts. And, because their compensation during their year of Federal service must fall within Federal pay scales, these executives choose not to participate because of the substantial salary reductions they would suffer. H.R. 3002 allows the sponsoring corporation to assume the full compensation of the senior executives, thereby eliminating this inhibition.

H.R. 3002 establishes this new compensation dimension of the Executive Exchange Program on an experimental basis for a 3-year period. Only 10 employees could participate each year. After the 3-year period, we can evaluate the success of the program and determine whether we want to make it permanent. My inclination is that we will, but this trial period allows us the opportunity to determine its success in attracting more senior executives from the private sector into the program. I believe this will allow the President's Commission more flexibility to meet this administration's stated commitment to a strong and effective executive exchange network.

Finally, I want to publicly commend the outgoing Chairman of the President's Commission on Executive Exchange, Mr. James Burke. Mr. Burke is the chairman of Johnson & Johnson Corp. and a firm believer in the Executive Exchange Program. I think he has done more to elevate the importance of the Commission and its efforts than anyone in recent memory.

Mr. Speaker, I also want to take this opportunity to thank my chairwoman, the gentlewoman from Colorado [Mrs. SCHROEDER] for her work in bringing this bill to the floor. She has done an excellent job as chairperson of the subcommittee, as she explained, to get the background information so that we could be certain that we met all of the requirements.

I also want to take this occasion to thank my colleague on the House Post Office and Civil Service Committee, the gentleman from California [Mr. DYMALLY] for his work. So to both of them, I salute them for the fine job that they have done to bring this bill to the floor, and I urge its approval.

Mr. Speaker, I yield back the balance of my time.

Mrs. SCHROEDER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado [Mrs. SCHROEDER] that the House suspend the rules and pass the bill, H.R. 3002, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXTENDING APPEAL RIGHTS FOR CERTAIN FEDERAL EMPLOYEES

Mrs. SCHROEDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 917) to amend title 5, United States Code, to extend to certain employees in the excepted service the same procedural and appeal rights as are afforded to employees in the competitive service with respect to certain adverse personnel actions, as amended.

The Clerk read as follows:

H.R. 917

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 7511 of title 5, United States Code, is amended to read as follows:

"§ 7511. Definitions; application

"(a) For purposes of this subchapter—

"(1) 'employee' means—

"(A) an individual in the competitive service—

"(i) who is not serving a probationary or trial period under an initial appointment; or

"(ii) who has completed 1 year of current continuous service under other than a temporary appointment limited to 1 year or less;

"(B) a preference eligible in the excepted service who has completed 1 year of current continuous service in the same or similar positions—

"(i) in an Executive agency; or

"(ii) in the United States Postal Service or the Postal Rate Commission; and

"(C) an individual in the excepted service (other than a preference eligible) who has

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[4] See S. Rep. No. 2213, 87th Cong., 2d Sess. 6-7 (1962); *Federal Conflict of Interest Legislation: Hearings on H.R. 1900, H.R. 2156, H.R. 2157, H.R. 7556, and H.R. 10575 before the Antitrust Subcomm. of the House Committee on the Judiciary,* 86th Cong. 2d Sess. 137, 147, 201 (1960).

[5] Similarly, the part-time character of special government employees justifies their partial exclusion from the ban in 18 U.S.C. 205 on participation by government employees (or their partners) as agents or attorneys in matters involving the United States. Special employees (and their partners) are generally within this ban only with respect to matters in which they or their department or agency are directly involved. Thus, if an attorney temporarily serves as a special master in government litigation, his law firm is not necessarily obliged to withdraw from all proceedings involving the government.

[6] See, *e.g.,* 18 U.S.C. 208 (participation in matters in which the employee is financially interested); 18 U.S.C. 1905 (unauthorized disclosure of financial or proprietary information obtained in the course of government employment).

completed 2 years of current continuous service in the same or similar positions in an Executive agency;

"(2) 'suspension' has the same meaning as set forth in section 7501(2) of this title;

"(3) 'grade' means a level of classification under a position classification system;

"(4) 'pay' means the rate of basic pay fixed by law or administrative action for the position held by an employee; and

"(5) 'furlough' means the placing of an employee in a temporary status without duties and pay because of lack of work or funds or other nondisciplinary reasons.

"(b) This subchapter does not apply to an employee—

"(1) whose appointment is made by and with the advice and consent of the Senate;

"(2) whose position has been determined to be of a confidential, policy-determining, policy-making or policy-advocating character by—

"(A) the President for a position that the President has excepted from the competitive service;

"(B) the Office of Personnel Management for a position that the Office has excepted from the competitive service; or

"(C) the President or the head of an agency for a position excepted from the competitive service by statute;

"(3) whose appointment is made by the President;

"(4) who is receiving an annuity from the Civil Service Retirement and Disability Fund or the Foreign Service Retirement and Disability Fund;

"(5) who is described in section 8337(h)(1) of this title, relating to technicians in the National Guard;

"(6) who is a member of the Foreign Service, as described in section 103 of the Foreign Service Act of 1980;

"(7) whose position is within the Central Intelligence Agency, the General Accounting Office, or the Department of Medicine and Surgery, Veterans' Administration;

"(8) whose position is within the United States Postal Service, the Postal Rate Commission, the Federal Bureau of Investigation, or the National Security Agency, except as provided in subsection (a)(1)(B) of this section; or

"(9) who is described in section 5102 (c)(11) of this title.

"(c) The Office may provide for the application of this subchapter to any position or group of positions excepted from the competitive service by regulation of the Office.".

(b)(1) This Act shall become effective on the ninetieth day after the date of the enactment of this Act, and shall apply with respect to any personnel action taking effect on or after such day.

(2) No appeal or other proceeding in the nature of review lawfully commenced before the effective date of this Act shall abate by reason of the enactment of this Act. Determinations with respect to any such appeal or proceeding shall be made as if this Act had not been enacted.

The SPEAKER pro tempore. Is a second demanded?

Mr. HORTON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 20 minutes and the gentleman from New York [Mr. HORTON] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before us extends due process rights to about 150,000 Federal workers—mainly scientists and attorneys—who do not now have these rights because they are in the excepted service and are not preference eligibles.

Most Federal civil servants are in the competitive service, which means they are hired off of central examinations and Office of Personnel Management [OPM] registers. Some positions, such as those for scientists, chaplains, and translators, are excepted from the competitive service because it is impractical to create a central examination for these positions. Attorney positions are excepted from the competitive service because Congress has declared that it does not want lawyers subject to competitive examination.

This does not mean that employees in these positions are not competitively hired. To get a job as an attorney in the Justice Department requires enduring some of the most rigid competition which the Government has to offer. The Government aggressively recruits the best scientists and engineers out of graduate schools. Getting a job in the excepted service does not come without competition.

Attorneys, scientists, and engineers who are veterans of periods of combat get the same appeal rights as competitive service employees under the Veterans Preference Act of 1944. So, extending these due process rights to other employees in the same agencies will not undermine the effectiveness of these agencies.

Moreover, extending these rights does not dilute veterans' preference. Both the American Legion and the Veterans of Foreign Wars wrote to me last year to say that they had no objection to the enactment of H.R. 917, just as long as it did not weaken veterans' rights. The bill does not do so. I include in the RECORD at this point the letters of these two organizations.

THE AMERICAN LEGION,
Washington, DC, September 11, 1985.

Hon. PATRICIA SCHROEDER,
Chairwoman, House Committee on Post Office and Civil Service, Subcommittee on Civil Service, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE SCHROEDER: This letter is in response to your August 1 request for the Legion's views on H.R. 917, a bill to extend certain procedural and appeal rights to government employees in the excepted service facing adverse job actions.

According to The American Legion's Economic Division, this legislaton is in line with the history of veterans preference and the federal merit system whereby a provision is first made for veterans and is then extended to the rest of the employees. The American Legion's historic position has been that this organization will not object to such an extension of rights, provided that the rights of veterans are not weakened in the process.

Congresswoman, thank you for your interest in the views of The American Legion and if we can be of further assistance please do not hesitate to let us know.

Sincerely,

E. PHILIP RIGGIN,
Director, National Legislative Commission.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, August 12, 1985.

Hon. PATRICIA SCHROEDER,
Chairwoman, Subcommittee on Civil Service, Committee on Post Office and Civil Service, Washington, DC.

DEAR MADAM CHAIRWOMAN: This is in response to your recent letter and enclosures thereto with respect to H.R. 917 to extend to certain employees in the Excepted Service the same procedural and appeal rights as are afforded to employees in the Competitive Service with respect to certain adverse personnel actions.

It is the opinion of the professional members of my staff who deal with legislation and Civil Service matters that H.R. 917 would eliminate an inequity visited only upon certain employees in the Excepted Service. In addition, H.R. 917 would place tighter control on the latitude exercised by the Office of Personnel Management in relief of individuals in the Excepted Service.

Thank you for your courtesy in this matter; and with best wishes and kind regards, I am

Sincerely,

BILLY RAY CAMERON,
National Commander-In-Chief.

The due process rights which this legislation would extend to a new class of employees center around the right of the employee to challenge adverse actions outside of their own agency: the right to appeal to the Merit Systems Protection Board in the case of a removal, reduction in grade or pay, furlough, or suspension. Other due process rights granted include the right to notice, to answer the charges, to representation, and to a written decision.

H.R. 917 was introduced by our colleague, MERVYN DYMALLY, of California. Through his work on behalf of a Federal attorney who did not have appeal rights to challenge his removal, Mr. DYMALLY, became convinced that due process rights should be extended to virtually all Federal employees.

The bill, as reported by the Committee on Post Office and Civil Service, achieves that goal. It extends the due process and appeal rights contained in chapter 75 of title 5, United States Code, to many employees in the excepted service.

While those in the competitive service and veterans in the excepted service acquire these rights after 1 year of continuous service, those to whom the rights are extended by H.R. 917 ac-

quire them after 2 years of current continuous service in the same or similar positions in an executive agency.

Due to special circumstances, H.R. 917 explicitly excludes certain categories of employees from coverage. These categories are:

Presidential appointees, including White House staff and Schedule C's;

Reemployed civil service or Foreign Service annuitants;

National Guard technicians;

Members of the Foreign Service, because they have their own grievance system which provides comparable rights;

Noncitizens of the United States who work for the Government outside the United States;

Central Intelligence Agency employees, because section 102(c) of the National Security Act of 1947 gives the Director clear authority to deal with CIA employees;

General Accounting Office employees, because the GAO Personnel Act of 1980 set up a GAO Personnel Appeals Board to provide due process rights of GAO workers;

Employees of the Department of Medicine and Surgery of the Veterans' Administration, because they have their own peer review system;

Employees other than preference eligibles of the U.S. Postal Service and the Postal Rate Commission, because the House has already passed legislation dealing with appeal rights for postal supervisors; and

Employees other than preference eligibles of the Federal Bureau of Investigation and the National Security Agency. In the case of these two sensitive agencies, we maintained the status quo and thereby avoided eroding the rights of veterans but did not expand the case of covered employees.

The Permanent Select Committee on Intelligence contacted the Committee on Post Office and Civil Service yesterday to ask about the coverage of other intelligence agencies, including the Defense Intelligence Agency [DIA]. We had tried to gain the views of these intelligence units prior to committee consideration. Unfortunately, both the Intelligence Committee and the Committee on Post Office and Civil Service only became aware of the concerns of these agencies yesterday.

Before making a judgment about the merit of an exception for other intelligence agencies, the committee wants an opportunity to consider their arguments. I can assure the Intelligence Committee that we will work closely with it to review the issue of coverage of excepted service employees in intelligence agencies. If there is a good reason to withhold these due process rights from employees of DIA and other intelligence agencies, we will be sure to do so.

The amendment sets an effective date of 90 days after the date of enactment. The new law would apply to adverse actions taking effect on or after that date, but would not apply to any appeal or review proceeding which began the effective date.

I urge support for this legislation.

Mr. HORTON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.R. 917, a bill that provides certain adverse action rights to civil service employees hired under the excepted service. The bill was reported unanimously from both the Civil Service Subcommittee and the full Post Office and Civil Service Committee.

I am especially pleased with the manner by which this legislation was developed, and I commend both Chairwoman SCHROEDER and Congressman DYMALLY for their careful and conscientious efforts. Not all excepted service employees are covered under this bill, nor should they be. There are good compelling reasons to exclude from the bill certain employees within the intelligence, law enforcement, and defense communities. They are excluded. In fact, every agency with an interest in this bill was contacted by the subcommittee so that we might have their views on whether their employees ought to be covered or not covered by H.R. 917. This was a very thorough process.

Now to the merits of the bill. I cosponsored and support H.R. 917 for a very important reason. One of the principal reasons this legislation was introduced was to give Federal Government attorneys adverse action rights. In other words, this bill would give attorneys and others due process rights if they were summarily fired without explanation. They don't enjoy these rights today. In my mind, it is essential that attorneys at the SEC, who are investigating multibillion-dollar mergers, acquisitions, securities fraud, or other violations, have these rights. The same is true for attorneys at the Federal Trade Commission, the Food and Drug Administration and the many other agencies where sensitive investigations and legal actions are pursued. Attorneys especially should know that, as they pursue their work, they are protected from any adverse action that might be taken against them as a result of their work.

Mr. Speaker, this is an excellent bill, and I urge its passage.

□ 1240

Mr. Speaker, I have no requests for time.

Mrs. SCHROEDER. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. DYMALLY], the author of the bill.

Mr. DYMALLY. Mr. Speaker, I thank our distinguished subcommittee chairwoman, Mrs. SCHROEDER, for her support of H.R. 917 and for her work to improve upon the bill as originally introduced. Let me also thank my subcommittee colleague, Mr. HORTON, for his support of my efforts and his interest in the issue of adverse action protections for Federal employees.

As the sponsor of H.R. 917, I am pleased that this legislation has progressed to the House floor with bipartisan support from the Committee on Post Office and Civil Service. More importantly, I am proud that our committee has again, in a united manner, approved legislation which recognizes the value of a great national resource—our Federal Government workforce.

It is not necessary for me to repeat in detail the provisions of H.R. 917. As Chairwoman SCHROEDER has pointed out, this bill gives Federal employees in the excepted service certain administrative due process rights when they are faced with a conduct-related adverse action. There are literally hundreds of thousands of Federal workers hired under the excepted service, as opposed to the competitive service. They include attorneys, physicians, handicapped employees, scientists, and many other Government positions for which a competitive examination is not available. Under current law, Federal workers in the competitive service and veterans in the excepted service have certain statutory rights of appeal when adverse personnel actions are taken against them. These rights include the right to appeal an adverse action to the Merit Systems Protection Board, an independent Federal agency.

I strongly believe that Federal employees, except under special circumstances, should not be subject to the loss of their jobs, grade, or pay, without any means of recourse or ability to properly defend themselves. Not only does such a system offend our notions of due process and justice, but it may subject many of our Federal workers to the whims of internal or external politics. This situation simply is not the type of position in which career civil servants should be placed.

H.R. 917 does not give excepted service employees a right which is foreign or untested. Rather, it extends to these employees the same rights which are enjoyed, under the law, by their counterparts who are veterans preference eligibles and who are in the competitive service. It gives employees covered under the bill the right to defend themselves against an adverse personnel action before an impartial, administrative review board. There should be no question that most excepted service employees deserve the minimum due process rights afforded others in the civil service. The right to work free from the fear of arbitrary, or even capricious, actions by one's employer, should be fundamental.

Finally, let me point out that the committee has taken careful steps to ensure that the rights extended to certain excepted service employees under H.R. 917 do not infringe on the need of Federal agencies to remove employees for reasons of national security. While title 5, U.S. Code, already provides for a rapid means of dealing with an employee problem affecting national security, H.R. 917 was amended in committee to explicity exclude from coverage of the bill certain agencies which have national security related missions.

H.R. 917 was carefully drafted and received an unusually thorough review by the Subcommittee on Civil Service before action on the bill was taken this year. I urge my colleagues to approve this legislation today.

Mr. HOYER. Mr. Speaker, I rise today to commend my good friend, Representative MERVYN DYMALLY, for his untiring efforts on the Subcommittee on Civil Service on behalf of this legislation and the chairwoman, Representative PAT SCHROEDER, who worked very had to improve the bill and shepherd it to the floor today.

This legislation will provide a long denied right of due process to certain excepted employees who have worked for the Government for more than 2 years. It grants to them the same right the Congress granted veterans in the excepted service back in 1944. Primarily, the bill offers chaplains, attorneys, doctors, and scientists the right to appeal to the Merit System Protection Board in the event they face removal, suspension for more than 14 days, reduction in grade or pay, or furlough for 30 days or less. This law will give them the opportunity to have written notice of 30 days in advance of the action and the opportunity to respond and repeal to the Board if necessary.

The subcommittee has removed the controversy from this bill by excluding employees whose positions are unique either for their policy implications or their impact on security and safety. I understand that National Guard technicians have been temporarily excluded, but will be handled in other legislation soon to be before the good chairwoman's subcommittee and the Committee on Armed Services. I will look forward to cosponsoring that legislation as well, since these workers certainly deserve that protection against arbitrary action that we offer to other Federal workers.

Again, I congratulate the sponsor of this important bill and urge my colleagues to support this equitable legislation.

Mr. HORTON. Mr. Speaker, I yield back the balance of my time.

Mrs. SCHROEDER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado [Mrs. SCHROEDER] that the House suspend the rules and pass the bill, H.R. 917, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bills just passed, H.R. 3002 and H.R. 917.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

CHRISTA McAULIFFE NATIONAL TALENTED TEACHER FELLOWSHIP PROGRAM

Mr. FORD of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4143) to name the National Talented Teacher Fellowship Program after Christa McAuliffe.

The Clerk read as follows:

H.R. 4143

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 571 of the Higher Education Act of 1965 is amended by adding at the end thereof the following new sentence: "The fellowships awarded under this part shall be referred to as 'McAuliffe Fellowships'.".

SEC. 2. The heading of part F of title V of the Higher Education Act of 1965 is amended to read as follows: "PART F—CHRISTA MCAULIFFE NATIONAL TALENTED TEACHER FELLOWSHIP PROGRAM".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Michigan [Mr. FORD] will be recognized for 20 minutes, and the gentleman from Missouri [Mr. COLEMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is indeed a singular honor and a privilege to be recognized here today by Speaker DALE KILDEE of Flint, MI, presiding over the U.S. House of Representatives, a very special pleasure that I have seldom seen the like of in my 22 years in this House.

Mr. Speaker, on January 28, 1986, in the early afternoon, I was in a meeting in my office with members of the Michigan chapter of the National School Boards Association when we were told that the space shuttle *Challenger* had exploded, 73 seconds into launch.

All of us were, of course, instantly aware that this was the flight that carried the first "teacher in space," as the NASA program had come to be popularly called.

It was at the suggestion of President Reagan in late 1984 that NASA designed the "Teacher in Space" Program and the response on the part of teachers nationwide was immediate. Out of more than 10,000 applicants, Mrs. Christa McAuliffe of New Hampshire was selected, and she proceeded to win the heart of the Nation through her personal dedication to teaching and her obvious love for children.

In the year after her selection, we all experienced vicariously her rigorous NASA training for the flight, and children delighted to see a teacher turn flip-flops in a gravity-free environment as Mrs. McAuliffe prepared for her historic space launch.

Sitting in my office with a group whose daily work embraced school and teacher-related issues at the time the explosion occurred, you can imagine our horror, and our immediate desire to express our grief over the deaths of Mrs. McAuliffe and her six companions. Then, as now, it is difficult to give expression to our collective compassion for the families of those seven brave astronauts. But in our modest way, we can pay tribute to a fine teacher and express our deep appreciation for her, by naming the National Talented Teacher Fellowship Program after Christa McAuliffe.

H.R. 4143 was introduced on February 6, 1986 by the chairman of the Committee on Education and Labor, Mr. HAWKINS, together with myself, Mr. JAMES JEFFORDS of Vermont, and Mr. WILLIAM LEHMAN of Florida. The bill now has 51 cosponsors.

On March 11, 1986 the Committee on Education and Labor favorably and unanimously reported the bill. Today, we ask the House of Representatives to pass H.R. 4143, renaming the Talented Teacher Fellowship Program the "Christa McAuliffe Talented Teacher Fellowship Program."

The Talented Teacher Fellowship Program was signed into law by President Reagan in October 1984. It makes available to the States a means of identifying and rewarding outstanding teachers through State selection panels, consisting of teachers, school administrators, and parents. Selected teachers will be given opportunities to obtain further professional development and training, or to perform research in education-related fields.

Teachers honored through these fellowships will receive 1-year's pay while they are on sabbatical, based on the national average teacher salary in the award year, to be determined by the Secretary of Education. In return for the year away from the classroom, each teacher-recipient will be required to return to teaching for an additional 2 years.

Passage of H.R. 4143 will pay tribute to Christa McAuliffe and, by exten-

sion, to all teachers everywhere. Through our action today, we are reaffirming as a national policy that it is the right of every child to have a quality education so that each may achieve to their full potential as individuals. By our action today, we also reaffirm our strong belief that there is no better nor more important investment our Government can make than in education, and our belief that education should be given equal standing with Federal investments in technology, military preparedness, and balancing the budget.

Mr. Speaker, this amendment to part F of title V of the Higher Education Act, renaming the National Talented Teacher Fellowship Program after Christa McAuliffe, entails no new costs beyond those contained in the original enacting legislation, Public Law 98-558. The committee, in its desire to honor Christa McAuliffe in an appropriate and timely manner, also expresses the hope and expectation that the modest authorized appropriation of $2 million in fiscal year 1987 will be given serious consideration by the Committees on Appropriations in both the House and Senate, so that the Christa McAuliffe Teacher Fellowship Program can be implemented nationwide.

Mr. COLEMAN of Missouri. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H.R. 4143, a bill to name the National Talented Teachers Fellowship Program after Christa McAuliffe, one of seven astronauts who perished on January 28, 1986 in the tragic explosion of NASA's *Challenger* space shuttle.

The National Talented Teachers Fellowship Program, which this bill renames for Christa McAuliffe, was enacted into law in October 1984 as part of the Talented Teachers Act. The purpose of the fellowship program is to make funds available to States to provide talented teachers with the opportunity to take a 1-year sabbatical from the classroom to pursue professional development and training activities aimed at enhancing their teaching skills. Once the fellowship is completed, teachers would be committed to bring their experiences back to the classroom for at least 2 years. The intent of this program is to encourage good teachers to stay in the teaching profession by giving them the opportunity to improve and develop themselves professionally.

Mrs. McAuliffe was to have been the "first citizen in space." She was selected from more than 10,000 of her peers in a national competition to become the first participant in NASA's Teacher in Space Program. Mrs. McAuliffe volunteered to participate in what she called the ultimate field trip so she could share with her students the wonders and excitement of space and the expansive opportunities in space technology and science.

Christa McAuliffe represented the bright, spiritied educator we all want to teach our children. Her energy, enthusiasm, and commitment to education has been an inspiration to all teachers and every American. Her example of excellence in teaching will continue to inspire many young people to "reach for the stars" and be the best they can be. Renaming the National Talented Teachers Fellowship Program for Christa McAuliffe is a fitting tribute to her and her profession.

I urge my colleagues to join me in supporting H.R. 4143.

Mr. FORD of Michigan. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would just like to call to the attention of the House the fact that the gentleman who just spoke is the ranking member of the minority party on the Subcommittee on Postsecondary Education, and it was through his cooperation that we passed last fall a very comprehensive reauthorization of the Higher Education Act, which carried with it a reauthorization of the program that we are today renaming in honor of Christa McAuliffe.

With that, I yield 5 minutes to the gentleman from Oregon, Mr. RON WYDEN, who originally introduced this legislation in 1983 and saw it successfully passed into law for the first time in 1984.

Mr. WYDEN. Mr. Speaker, I particularly want to commend the gentleman from Michigan, Chairman FORD, for his tremendous leadership in going forward with this renaming of the Talented Teacher Fellowship. I think it is a very appropriate, truly fitting tribute, and I want to commend the gentleman from Michigan [Mr. FORD] for his great leadership in this regard.

□ 1250

I also want to commend the gentleman from Missouri who for more than 2 years has worked with a group of us to pass the Talented Teacher Act, and commend him for both his effort in the original legislation and going forward with this tribute.

Mr. Speaker, what the Talented Teacher Act is all about is trying to bring the best and brightest into the teaching profession. You can go into any classroom in America and what you see all too often is that the best and brightest want to become lawyers, doctors, businessmen, businesswomen, or engineers, or just about anything except teachers. What our legislation does is try to reverse that. That is what Christa McAuliffe was all about. More than anything what she wished to do was to open up new vistas in education to young people both in her classroom and around the country. What she offered up to all Americans, particularly to young people, was the opportunity to participate in what she called the classroom space. Ms. McAuliffe set her sights on this achievement because she wanted to share her enthusiasm for unlocking the mysteries of space with the schoolchildren of this country. She did this regardless of risk and she was well aware of the dangers. But she put fear aside in the spirit of sharing knowledge with millions of children who she knew would be watching.

Mr. Speaker, we have been able to fund the national talented teacher scholarship portion of this program and we expect that the scholarships will be available to young people later this year. We have not been able to fund the fellowship portion of this program and I would suggest to my colleagues that we take one step today, which is to rename the Talented Teacher Program on behalf of Mrs. Christa McAuliffe, and we take another step in the days ahead, and that is to actually fund the fellowship portion of the program. Up to this point unfortunately the fellowship portion of the program has not been one that we could put in place because it has not received adequate appropriation.

So I hope today and in the days ahead we will be able to give new meaning to the living memorial to Mrs. McAuliffe, who deserves our remembrance as one who committed her life to educational achievement and excellence.

I just want to join with all my colleagues today in supporting this memorial because I cannot think of a more fitting gesture to remember her by than to reward and promote the highest standards of her colleagues in the teaching profession.

Mr. Speaker, I yield back the balance of my time.

Mr. COLEMAN of Missouri. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. FORD of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. NELSON].

Mr. NELSON of Florida. I thank the gentleman for yielding.

Mr. Speaker, I thank the gentleman and our colleague from Oregon for their leadership, and our colleague from Missouri, in bringing this legislation to the floor.

Yesterday, in Boise, ID, I was with Barbara Morgan, who along with Christa were the 2 selected out of the 10 finalists for the Teacher in Space Program; Barbara being selected as the backup teacher in space who went through all the training with Christa.

The three of us trained together on several occasions, particularly in the zero-gravity training in the KC-135.

Barbara and I were musing yesterday as we were visiting her native

State of Idaho where she is an elementary school teacher in McCall, ID, about the impact of Christa's life and the impact of this program.

Indeed, Christa being the first teacher in space, albeit with a tragic ending in this national tragedy that we have all participated in, she has had a profound influence on this Nation and on the children in school in this Nation.

What I found, and Barbara was corroborating this with me, in all of our contacts in the schools, far from the children being psychologically scarred after having watched this accident on television, it has just whetted their appetite, their enthusiasm for the space program and their interest in high technology.

We had been concerned, my colleague from Michigan, my colleague from Missouri remember the report a couple of years ago on the condition of the Nation's educational system in the public schools which was entitled "The Nation at Risk." It said that we are deficient in mathematics, we are deficient in science, and we have seen the statistics about how many engineers the Soviet Union and Japan are producing as compared to a much smaller number which we are producing.

So what Christa McAuliffe's legacy has done has so interested school students all across this Nation in matters of high technology, in science, in math. Then when Barbara Morgan flies as the next teacher in space, as the backup to Christa, and when she teaches that classroom in space, it is going to ignite the imaginations of our students all across this land.

So it is with tremedous pleasure, Mr. Chairman, Mr. Ranking Member, Mr. Speaker, that you would allow me to come and to speak on behalf of this legislation, to say that it is most fitting.

As someone who has worked with, who has played with, who has enjoyed the company and the friendship, and who has been part of the love that has outpoured to Christa McAuliffe, this is a fitting tribute and I appreciate it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would advise that visitors from the gallery will be notified that no expression of approval or disapproval is permitted in the Chamber.

Mr. HAWKINS. Mr. Speaker, today we are considering H.R. 4143, a bill to name the National Talented Teachers Fellowship Program after Christa McAuliffe, the teacher from New Hampshire who died in the *Challenger* space shuttle along with the other brave crew members on their fateful mission in January. Mr. JEFFORDS, Mr. FORD of Michigan, and Mr. LEHMAN of Florida joined with me as original cosponsors of this bill.

This is not a new program; it simply renames a program first created by our colleagues, Mr. WYDEN, Mr. SIMON, Mr. GOODLING, and Mr. COLEMAN of Missouri, to encourage good teachers to remain in the profession. Enacted in 1984 as part of Public Law 98–558, it has never been funded. The bill seems uniquely appropriate today as a living tribute to a fine teacher, who personified in public view the best of what a talented teacher is and does.

We all know that scattered throughout our Nation are hundreds of other teachers of Ms. McAuliffe's caliber and ideals, who have never been recognized in a public way, and who ought to be singled out and encouraged to excel at what they are best at—teaching our children.

That is what the Christa McAuliffe National Talented Teacher Fellowship Program would attempt to do. We, on the Education and Labor Committee, hope that this bill will not only be enacted, but that the program can be properly funded, as a tribute to a fine teacher, and also as a bipartisan affirmation—a small signal—that we, in the U.S. Congress, still believe that education is of the utmost importance, and that people, after all, are our first priority.

Mr. JEFFORDS. Mr. Speaker, I rise in support of H.R. 4143, a bill to rename the National Talented Teachers Fellowship Program after Christa McAuliffe, one of the seven astronauts who died on January 28, 1986, on NASA's space shuttle *Challenger*.

Christa McAuliffe represents the essence of that spirit and daring that can be characterized as America at its best. Because Christa McAuliffe was a teacher, she was special; she represented a profession that has touched the lives of all of us and she was a symbol to millions of students. Because of her, our young citizens can understand that the adventure, challenge, opportunity, and risk associated with scientific exploration involve people that they know in their own lives. A "teacher in space" brings the space program directly into the lives of every student.

This bill, which renames the Talented Teacher Fellowship Program in Christa McAuliffe's honor, is proper and fitting. The purpose of the fellowship program is to give outstanding teachers the opportunity to expand their skills and renew their enthusiasm for teaching. The program provides teachers a 1-year sabbatical away from the classroom, providing them with a stipend equal to the national average teacher salary, paid in the year that the award is made. Teachers will use this fellowship for the professional development experience of their choice. In exchange for this fellowship experience, teachers would return to teach in the classroom for a minimum of 2 years.

Teachers all across our land share in this tribute to Christa McAuliffe. Because of her courage, she will go down in history as an example to us. She truly is an inspiration and may this vote today add to the tributes she deserves. I urge enactment of H.R. 4143.

Mr. GOODLING. Mr. Speaker, I rise in support of H.R. 4143, a bill to rename the National Talented Teachers Fellowship Program after Christa McAuliffe, one of the seven astronauts who died on January 28, 1986, a little more than 1 minute into their mission on NASA's Space Shuttle *Challenger*.

As a member of the task force which originally recommended enactment of the Talented Teachers Fellowship Program, I can hardly think of a better tribute to Mrs. McAuliffe's great spirit. The purpose of the fellowship program is to give outstanding teachers the opportunity to expand their skills and renew their enthusiasm for teaching. Christa McAuliffe's enthusiasm for their chosen profession certainly would have qualified her. The program provides teachers with a 1-year sabbatical away from the classroom, providing them with a stipend equal to the national average teacher salary paid in the year that the award is made. Teachers will use this fellowship for the professional development experience of their choice. In exchange for this fellowship experience, teachers would return to teach in the classroom for a minimum of 2 years.

We are frequently told that Christa McAuliffe was an average citizen, but she was much more—she was a daring citizen, a pioneer, and the essence of America at its finest. She was to have been the first teacher in space. Her mission was simple. She was going to reawaken the pioneer spirit in Americans, especially students, by demonstrating that the space program is accessible to all. We must not permit the tragic ending of the flight of the space shuttle *Challenger* to thwart the achievement of Christa's goal.

In Christa McAuliffe, we have suffered a terrible loss. From her comments prior to the flight, it was clear Christa relished this opportunity to learn and explore. This is what I hope our children and students will remember about her, for in the words of Henry Adams, "A teacher affects eternity; she can never tell where her influence stops."

Through this tribute to Christa McAuliffe, we are encouraging our teachers to imitate her courage, her energy, and her vigor for the teaching profession by giving them the opportunity to grow personally and professionally, sharing that growth with our children. With this tribute, Christa McAuliffe's influence never has to stop.

I urge my colleagues to support H.R. 4143.

Mr. BIAGGI. Mr. Speaker, I rise in strong support of H.R. 4143, to rename the National Talented Teacher Fellowship program after Christa McAuliffe. This program, enacted in 1984, is designed to encourage good teachers to remain in the profession. It rewards these outstanding teachers from communities across our entire Nation by providing them the opportunity to obtain further professional development and training while on a 1-year paid sabbatical from teaching.

It is certainly a fitting tribute that we name this fellowship program after the courageous and beloved teacher from New Hampshire, one of the seven astronauts who died in the *Challenger* tragedy. Selected from more than 1,000 of her peers to be the first teacher and citizen in space, she truly exemplified the characteristics of her profession and the ideals of this Nation. Her launch into space was an impor-

tant step toward securing a better future for our children.

Christa McAuliffe was a person who excelled in all of her roles in life—woman, wife, mother, teacher, and friend. Her strength, energy, and commitment were witnessed by all as she prepared and trained for her journey into space. It is these very traits that have made a meaningful and lasting contribution to this Nation. We are all inspired to learn, to study, to achieve, and to "reach for the stars."

It is with my deepest respect and appreciation that we recognize the contributions of Mrs. McAuliffe and her teacher colleagues everywhere. They are entrusted with the future of individuals, and more importantly, the future of this great Nation. These fellowships serve to reaffirm our commitment that each and every person in our Nation is entitled to a quality education.

We will never forget Christa McAuliffe. She was the spirited and inspiring teacher we all want to teach our children. H.R. 4143 is a sincere and lasting tribute to her, and to teachers everywhere. Through them, her ideals will live on.

Mr. BONER of Tennessee. Mr. Speaker, I join my colleagues in support of H.R. 4143, naming the National Talented Teacher Fellowship Program after teacher-astronaut Christa McAuliffe.

Through this tribute to Christa McAuliffe, and by extension to all teachers, the Congress reaffirms its support for the national principle that every child has the right to a quality education. By assisting teachers, we provide the means for our children to achieve all that they can as individuals. With this measure, Congress further reaffirms its strong belief that there is not a better nor more important investment our Government can make than in education. Education remains not only a national priority, but an important public policy, alongside and in equal standing with Federal investments in technology, military preparedness, and reducing the deficit.

H.R. 4143 is being considered by this House out of the respect and deep appreciation for a fine teacher, Christa McAuliffe. I believe that this recognition will also carry out a wish of Christa McAuliffe that her launch into space be an important step toward a better future for our children. H.R. 4143 is meant as a sincere and lasting tribute to Christa, and to her teacher-colleagues everywhere. Through them, Christa McAuliffes ideals will live on.

I am proud to join my colleagues in support of this measure. Christa McAuliffe was a spirited and inspiring teacher, as are all the teachers I know. Her selection to be the first teacher in space was a tribute to the important role teachers play in the lives of our children and to the role space exploration plays in our future.

I urge passage of H.R. 4143.

Mr. COLEMAN of Missouri. Mr. Speaker, I yield back the balance of my time.

Mr. FORD of Michigan. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. FORD] that the House suspend the rules and pass the bill, H.R. 4143.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4143, to name the National Talented Teacher Fellowship Program after Christa McAuliffe, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

HAWAIIAN HOMES COMMISSION ACT AMENDMENTS

Mr. UDALL. Mr. Speaker, I move that the House suspend the rules and pass the joint resolution (H.J. Res. 17) to consent to an amendment enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920, as amended.

The Clerk read as follows:

H.J. RES. 17

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, as required by section 4 of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4), the United States hereby consents to all amendments to the Hawaiian Homes Commission Act, 1920, as amended, adopted between August 21, 1959, and June 30, 1985, by the State of Hawaii, either in the Constitution of the State of Hawaii or in the manner required for State legislation, except for Act 112 of 1981.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Arizona [Mr. UDALL] will be recognized for 20 minutes and the gentleman from Arizona [Mr. MCCAIN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. UDALL].

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 17 provides necessary consent of the United States to numerous amendments made by the Legislature of the State of Hawaii to the Hawaiian Homes Commission Act of 1920.

The 1920 act was passed to rehabilitate native Hawaiians by providing lands to permit them to regain the mode of living to which their ancestors had been accustomed. Under the act, native Hawaiians of at least one-half degree native blood are permitted to lease Hawaiin homelands for a nominal fee for a period of 99 years. The lands could be used for homesite, farming, or pasture purposes.

In the 1959 act admitting Hawaii to the Union, Congress transferred the management and disposition of the Hawaiian homelands to the State of Hawaii. The act gave the State the right to make amendments to the act, but provided that certain kinds of amendments and amendments to certain provisions of the act would require the consent of the United States.

The bill, as introduced, provided for U.S. consent to a State amendment which would have lowered from one-half to one-quarter the degree of native blood necessary to inherit interests in a Hawaiian homelands lease. Under the existing law, the spouse and children of a native lessee who are nonnatives or less than one-half native blood cannot inherit the interest and must vacate the lands upon the death of the lessee.

Upon the recommendation of the administration and State witnesses, the committee amended the bill to provide a blanket consent to all amendments made by the State to the 1920 act since 1950 with one exception. The amendment excepted from consent is a provision which deals with the method of appraising leasehold interests. This amendment is in irreconcilable conflict with a later State amendment.

Mr. Speaker, this bill is not without controversy within the State of Hawaii and within the native Hawaiian community. However, on balance, I believe that it does justice to the native community and recommend that it be passed as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. McCAIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to House Joint Resolution 17, a bill consenting to an amendment enacted by the Legislature of the State of Hawaii to the Hawaiian Homes Commission Act of 1920.

Mr. Speaker, our Nation's history of dealing with native people is not a pleasant one, and Hawaii is no exception. When Captain Cook arrived in

Hawaii in 1776 over 300,000 native people lived on the islands. Now, millions of people live in the Hawaiian Islands, but only a handful constitute native Hawaiians.

In 1920, Congress took an appropriate action—it set aside a portion of the public lands in Hawaii for homesteading by native Hawaiians, to preserve the culture of this distinct group of people. Unfortunately, Congress did little to fulfill the homestead requests. As part of the Statehood Act, Congress transferred the responsibility for the Hawaiian Homes Act to the State. From our committee hearings, it is abundantly clear that the State hasn't done a much better job than the Federal Government.

In fact the case can be made that it is far worse.

There are currently 9,000 families awaiting a homestead lease. The State of Hawaii, according to information given at our hearing, finances the program out of State bonds for about $3 million or $4 million a year. At this rate it will take decades to fulfill the requests for homesteads of those who are presently eligible. Now the State of Hawaii has petitioned Congress to approve expanding the eligibility for retaining a lease.

I might add, and I would like to ask my colleague from Hawaii some questions later on, I have not heard of any increase in funding, also, in order to allow these newly eligible Hawaiians to move onto these lands which they are being made eligible for.

The hearing before the committee was brief and to the point. There was no opposition to this legislation present at the hearing, Mr. Speaker, because the opponents of the legislation were not represented. The only opposition to this bill is from the people affected by House Joint Resolution 17, the native Hawaiians of 50 percent blood quantum or more, the people who are trying to live within the present law, the people, 9,000 of them still waiting to be located on lands which are supposed to have been allocated them beginning in 1920.

Mr. Speaker, I received letters, postcards, telegrams, and phone calls from native Hawaiians in opposition to House Joint Resolution 17, including organizations such as the Kahea and the Hou Hawaiians.

The State attempted in the hearing to show that native Hawaiians do support the bill. If there was a low point in this hearing, Mr. Speaker, it had to be when the State of Hawaii revealed that they had a survey of which a thousand families were surveyed, and 16 percent of them responded and of the 16 percent who responded, 57 percent supported a change in the law. This bill, Mr. Speaker, is making a tremendous change in the eligibility for lands for native Hawaiians, and 16 percent of the people surveyed responded, and of those, barely over half of them approved. And if my math is correct, that is an error margin of plus or minus 65 percent. It is not a valid survey, Mr. Speaker. The native Hawaiians may support this legislation. But many of us do not know, because no evidence of this was presented to us in committee.

What I am asking for, Mr. Speaker, is for this Congress to require at least the participation of the people affected in the process.

Congress has an obligation to preserve the rights of individuals and minority groups in relation to the desires of the majority. In this instance, we have denied these rights to native Hawaiians, and are about to rubber stamp a decision of a State legislature, that in any other State would be viewed with a jaundiced eye.

I can understand the desire of current leaseholders to pass their lease on to their families, but let us not penalize those families who have not had the opportunity to get a lease in that effort. Let us have further hearings on the subject and allow the native opposition to this bill to have their day in court before they disappear altogether.

□ 1305

Mr. Speaker, I have one final point. While this situation does differ from our relationship with Indian tribes, we are doing a disservice to native Hawaiians that we could not do to Indian tribes. We are determining who is a native Hawaiian without consulting with the currently recognized native Hawaiians for this program. It would be similar to Congress determining tribal membership without consulting the tribe.

What about if 20 years from now there are a number of native Hawaiians of 12.5 percent native Hawaiian blood who live on these lands? Are we going to have to come back and again change the eligibility by an act of Congress?

I hope that the next time this issue is revisited that we will at least consult those people who are affected by it.

In conclusion, Mr. Speaker, I believe this legislation far too premature until we give all parties an opportunity to present their views. Therefore, in closing, I would like to quote a letter I received from a native Hawaiian who said it is, "(a) sad commentary on our times when one considers the stakes are the survival of the native Hawaiian people as an identifiable culture."

Mr. LAGOMARSINO. Mr. Speaker, will the gentleman yield?

Mr. McCAIN. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Speaker, there were several questions that were not satisfactorily answered at the committee hearing on the primary issue of lowering the blood quantum requirement. An amendment to the bill grants U.S. consent to an additional 52 amendments to the Hawaiian Homes Commission Act. Does the gentleman from Arizona know if any hearings were held on any of the other 52 amendments?

Mr. McCAIN. No hearings have been held to my knowledge on the additional 52 amendments which were adopted between 1959 and 1985.

Mr. LAGOMARSINO. That certainly is a long span of time. I note that the committee report does not explain or even list the nature of the 52 additional amendments. House Joint Resolution 17, which we are now debating, merely approves the primary amendment and the other 52 amendments by reference. Does the gentleman from Arizona believe the committee has adequately examined the amendments to permit Congress, in good conscience, to wholly approve them?

Mr. McCAIN. The committee has had insufficient time to examine the 52 amendments. It is important to note that no testimony was received by the indigenous Hawaiians who are affected by the amendments. Since questions remain unanswered regarding the only one of the 52 amendments that was addressed in the committee hearing, I do not believe that the Congress could discharge its duty, in good conscience, and without lingering doubts and reservations, if this bill is approved without further oversight.

Mr. LAGOMARSINO. I thank the gentleman from Arizona for his comments and I want to commend him for his efforts on behalf of the indigenous Hawaiian people.

Mr. McCAIN. Mr. Speaker, I reserve the balance of my time.

Mr. UDALL. Mr. Speaker, I yield 7 minutes to the distinguished author of the measure before us, the gentleman from Hawaii [Mr. AKAKA].

Mr. AKAKA. Mr. Speaker, I thank the gentleman from Arizona for yielding this time to me.

Mr. Speaker, I rise in strong support of House Joint Resolution 17, legislation to consent to amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920.

As the sponsor of House Joint Resolution 17, this measure represents an opportunity for Congress to fulfill a longstanding but little-known obligation which arises from the Hawaii Statehood Act. The present legislation is supported by the entire Hawaii congressional delegation, the State of Hawaii, and the administration. In addition, the measure is supported by the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, Alu Like, the Waianae Valley Homestead Community Association, and many other Hawaiian groups.

By way of background, the Hawaiian Homes Commission Act was enacted by Congress in 1921 as a homesteading program to place native Hawaiians on land in Hawaii designated for that purpose. Approximately 200,000 acres were set aside as available land under the act. This program was operated by the Federal Government until the admission of Hawaii into the Union in 1959.

At that time, Congress required that the Hawaiian Homes Commission Act become a provision of the State constitution. In addition, title to Hawaiian home lands which had previously been entrusted to the United States was transferred to the State of Hawaii. Responsibility for administration of the HHCA passed to the State, although under section 4 of the Statehood Act, Congress reserved the authority to grant its consent to certain amendments to the HHCA passed by the State of Hawaii.

The sole purpose of the bill that is before us today is to fulfill the obligation of the United States to render consent to amendments enacted by the State of Hawaii to the HHCA. Fifty-three amendments to the HHCA have been adopted by the State since Hawaii's admission, of which 14 require U.S. consent under the Admission Act. While these amendments improve the operation and administration of the Homesteading Program, some of the State amendments are by their terms not effective until U.S. consent is granted; others are by their terms effective until they are held otherwise, because of the absence of U.S. consent. It is now incumbent upon Congress to render its consent to these amendments so that the State of Hawaii can continue to operate this important program in the manner which serves the needs of native Hawaiians.

The need for expeditious action is clear. Indeed, it is a key recommendation of the Federal-State Task Force on the Hawaiian Homes Commission Act. Jointly established by the U.S. Secretary of the Interior and the Governor of the State of Hawaii, the task force conducted a comprehensive 9-month review of every facet of the Hawaiian Homes Commission Act of 1920. The purpose of the task force was to make recommendations to the Governor of the State of Hawaii and to the Secretary of the Interior on ways to better effectuate the purposes of the Hawaiian Homes Commission Act and to accelerate the distribution of benefits of the act to the beneficiaries.

In its report of August 1983, the joint Federal-State Task Force on the Hawaiian Homes Commission Act recognized that the potential for mischief under the status quo is great if consent is not rendered. Uncertainty prevails, for it is not clear whether amendments, duly enacted by the legislature of the State, are effective or not. Litigation is thereby invited, which inevitably results in inefficient operations since litigation is always expensive in terms of dollars, time, and state of mind.

While the need for consent is evident, the question may be raised as to Congress' intent in requiring such consent. Unfortunately, little exists in the record of decades of legislative activity on the matter. The record shows, in fact, that when it turned to statehood for Hawaii, the Congress devoted upward of 99 percent of its energies to arguments about statehood such as noncontiguity, non-Caucasian residents, the Communist influences, and almost no attention was given to the statutory details of how the consent of the United States should be evidenced. While Federal consent is sometimes evidenced by the approval of the President or of some lesser Federal official, that level of consent is usually the product of language so stipulating. In the absence of any provision or suggestion to the contrary, it seems appropriate that Federal consent in the case of amendments to the HHCA be granted by an act of Congress.

A related issue is the scope of congressional review in granting consent. The question is therefore posed: "To what extent should Congress scrutinize amendments made to the HHCA by the State?" As the Federal agency responsible for this matter, officials from the Department of Interior have testified that, "the subject of the amendment are all peculiarly matters of State concern. Many are and have at all times been free of controversy in Hawaii, but others—particularly the 1982 amendment with which House Joint Resolution 17 deals—have been the subject of some argument in Hawaii. Our position * * * is that we think it appropriate that such issues be resolved in Hawaii, and once they are, that the U.S. Congress be asked to consent to the decision reached at the State level." I am in full agreement with this philosophy.

This notion is relevant to one amendment in particular, Act 272, as passed on June 18, 1982. Some of my colleagues have raised the point on this matter and I feel compelled to comment on it. Act 272, Session Laws of Hawaii, 1982, seeks to amend section 209, in relation to successors to lessees, of the Hawaiian Homes Commission Act. Under the original section 209, upon the death of the lessee, his or her interest in the tract or tracts and the improvements thereon, would vest in the relatives of the decedent provided that such persons are qualified beneficiaries—native Hawaiians of not less than one-half part of the blood of the inhabitants of the Hawaiian Islands previous to 1778.

Act 272 seeks to amend section 209 to allow for successorship of a lessee's interest in the tract to certain relatives—husband, wife, or children, who are at least one-quarter Hawaiian. The impetus behind Act 272 is the need to confront factors which threaten the security and stability of Hawaiian families, and frustrate the intent of the HHCA—to assist the Hawaiian people by returning them to the land. Since 1975, a number of leases have been canceled because the spouse or children of the deceased lessee did not meet the blood requirement.

Passage of Act 272 required 6 years of review and revision by the State legislature. The act passed the Senate by a margin of 22 to 1 with the single opponent favoring a complete repeal of the blood quantum provision. The vote in the House was unanimous. The bill was approved by Gov. George Ariyoshi on June 18, 1982. Indeed, a great deal of time and effort was spent on this matter, affording native Hawaiians ample opportunity to assist the legislature in drafting a sound measure. Testimony delivered by the Waianae Valley Homestead Community Association, Inc. serves as a good example of the sentiments of the majority of native Hawaiians on this matter:

> We strongly urge you support the amendment as it applies to the lessee who was eligible through the 50-percent blood criteria, and that to lessen it to no less than 25 percent for his/her spouse or children * * * would give the family security of continuity, the opportunity to advance themselves further * * * enabling them to look hopefully into a future of stability in economics and personal achievement.

Furthermore, the Federal-State task force addressed this issue in its 1983 report. Finding that the Act 272 cannot be implemented without congressional approval, the task force recommended that:

> As soon as possible, the State of Hawaii and the United States should seek congressional approval for the amendment to the HHCA passed by the Hawaii State Legislature in 1982 which lowers the blood quantum for successorship.

Because House Joint Resolution 17 consents to all amendments—excluding Act 112 of 1981—to the HHCA, regardless of statutory requirement, I want to offer some explanation of this process. As originally introduced, House Joint Resolution 17 sought consent solely for Act 272. On the recommendation of the executive branch, the committee amended the resolution to include consent for all amendments enacted since statehood. As to the precise wording of the committee version of House Joint Resolution 17, the Department of the Interior concluded that;

> While the draft resolution could be limited to those amendments that fall unarguably within the consent requirements of section 4, we have concluded that, given the passage of so many years and so many amendments, and believing as we do that the act should now be placed on as secure a

footing as possible, it may be wisest to seek consent to all amendments.

As previously noted, Act 112 of 1981 has been expressly excluded from the list of amendments being ratified under this measure. Briefly, Act 112 contains provisions that are in irreconcilable conflict with later amendments to the act. This is particularly evident in connection with leasehold appraisals, with Act 112 prescribing one approach, and Act 272 of 1982 a different one. Act 272 repeals the provisions contained in Act 112, and as such, should be construed as the most recent amendment. In this light, consent to the former would only confuse the applicability of the latter. Because the objective of this legislation is clarity of result, it is in the interest of Congress to exclude Act 112 from consideration. Furthermore, the State supports the exclusion of Act 112 from the legislation we are considering today.

In the future, questions may arise about the precedential value of House Joint Resolution 17. This legislation does not dictate the need for congressional consent for all amendments made to the act in the future. Rather, it is simply intended to serve as a housekeeping matter in an effort to bring Congress up to date in fulfilling its obligation under the law. In fact, the committee report states that in order that future amendments requiring U.S. consent receive consideration in a timely manner, the Secretary of the Interior and the Governor of the State of Hawaii should enter into consultations regarding the manner in which such amendments will be brought to the attention of Congress. This will no doubt result in Congress' ability to fulfill its obligation more expeditiously.

Mr. Speaker, because of the significant impact of this issue on the native Hawaiian beneficiaries of the Hawaiian Homes Commission Act and the existing lessees of Hawaiian home lands, I find this measure to be a priority issue. Passage is necessary to foster the original intent of the Hawaiian Homes Commission Act, that of returning the native Hawaiian to the land in order that the Hawaiian race may be perpetuated. Without the authority to enforce the proposed changes, the State of Hawaii believes that it is not able to confront current forces which threaten family stability and security, frustrate the intent of the HHCA, and deny the assurance and protection which allows the beneficiary to regard Hawaiian home lands as ancestral lands.

This legislation and the process in the Hawaii Statehood Act which established it are rather unique. House action would ensure fulfillment of the requirements established in the Hawaii Statehood Act.

Let me note, in closing some points which will be of interest to many Members: All changes recommended by the administration have been incorporated into House Joint Resolution 17, and the administration supports its passage. The CBO reports that there will be no cost to the Federal Government, or to State and local governments, from the enactment of House Joint Resolution 17. And, the State of Hawaii and its entire delegation support its passage.

Mr. Speaker, I urge the passage of House Joint Resolution 17.

□ 1315

Mr. McCAIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of this legislation.

Mr. Speaker, as the distinguished chairman of the Committee on the Interior has pointed out, House Joint Resolution 17 is necessary to provide Federal consent to amendments to the Hawaiian Homes Commission Act. Without these amendments, many individuals now holding leases of Hawaiian homelands will not be able to pass on their land interest to their spouses or their children. We would be denying inheritance by spouses and children solely because of arbitrary blood quantum levels established by statute.

It is not our intent to frustrate the interests of others seeking leases. However, if we do not provide a change in eligibility standards, we will be depriving 500 leaseholders an opportunity to leave lands to their descendants. This loss of family homestead would frustrate the intent of the Hawaiian Homes Commission Act.

Mr. Speaker, this legislation has received careful consideration of the Hawaiian delegation. Our colleagues from Hawaii have worked diligently on the bill, and it is supported by the administration. For all of these reasons I urge my colleagues to support this legislation.

Mr. Speaker, may I continue in saying that it has been my premise on this floor of the House that when the delegation from a State speaks on an issue affecting only that State, then this body should be listening intently and support them as far as possible, because these are truly the representatives of the people they come from.

The gentleman from Hawaii [Mr. AKAKA] has worked very hard on this legislation and strongly supports it. The administration supports it. The whole delegation, including the Senators, support it. But, more than that, I cannot imagine not allowing descendants or spouses receiving the lands that they cannot under the present act without these amendments. So I strongly urge that this body accept this resolution, House Joint Resolution 17, and see that justice is done.

Mr. UDALL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from American Samoa [Mr. SUNIA].

Mr. SUNIA. I thank the chairman of the Committee on Interior and Insular Affairs for yielding me this time.

Mr. Speaker, it is my great honor and high privilege to join my fellow Polynesian, the gentleman from Hawaii [Mr. AKAKA] in strong support of House Joint Resolution 17. As we have heard, this resolution, if enacted, will give congressional consent to amendments enacted by the Hawaii Legislature to the Hawaiian Homes Commission Act of 1920.

In granting statehood to Hawaii, Congress reserved the authority to give its consent to certain amendments to the Hawaiian Homes Commission Act that became law in Hawaii. This resolution provides the means by which Congress may fulfill its obligation to render consent to those amendments. The Reagan administration recommended that House Joint Resolution 17 incorporate all such amendments. The resolution reflects that change, and the administration supports its passage. Having reviewed House Joint Resolution 17, the Congressional Budget Office estimates that enacting this resolution will not cost the Federal Government or the State of Hawaii or any of its political subdivisions anything.

Having myself lived and been educated in Hawaii for 5 years and still having many relatives and constituents in that State, I am particularly interested and keenly concerned about any Federal legislation that directly affects Hawaii. Touching on the subject of land, an issue dear to the residents of the American Pacific Islands, this resolution strikes a response in the heart of an American Samoan. Like native Hawaiians, we too have land laws based on blood quantum. My district follows quite closely the action that the Hawaii Legislature has taken and that Congress will take on this resolution. Sharing so much of our heritage with the people of the Hawaiian Islands, American Samoans maintain ties of affection and strong mutual interest with their fellow Polynesians.

Mr. AKAKA has been most kind to me since my arrival here on Capitol Hill in January 1981. House Joint Resolution 17 was introduced by Mr. AKAKA, like me an alumnus of the University of Hawaii. In preparing for and conducting the hearing of the Interior Committee on this resolution, my staff and I have valued working with Mr. AKAKA and his able assistant, Miss Kehaulani Lum. I hope and fully anticipate that such warm rapport will always remain between the Members

of Congress from Hawaii and American Samoa and their constituents.

It is Congress' statutory responsibility to grant consent to amendments passed by the Hawaii Legislature and signed by the Governor of Hawaii. For that purpose the Interior Committee, having called the hearing that chairman UDALL asked me to chair, reported this resolution favorably to the House. House Joint Resolution 17 represents the clearly expressed will of the Hawaiian people. The executive and legislative branches of government in Hawaii and Messrs. AKAKA, HEFTEL, INOUYE, and MATSUNAGA support its passage. I urge passage by this House.

Mr. McCAIN. Mr. Speaker, I yield myself such time as I may consume.

If I could have the attention of the distinguished gentleman from Hawaii [Mr. AKAKA], I have some questions, and if the gentleman feels free to answer these questions, I would like to engage in a colloquy with him.

Mr. Speaker, I am very concerned about this bill. Before I ask these questions, I would like it to be known that I clearly understand the track is greased, the train is going down the track, and there is no way that I can prevent the passage of this legislation. But I think it is of the utmost importance that I point out the injustice that is being perpetrated here today, so that possibly some day in the future we can avoid a repetition of this kind of action which inflicts, I believe, such pain on native Hawaiians and native Americans.

I am concerned over the level of effort by the State of Hawaii to provide homesteads to the 9,000 native Hawaiians on the waiting list. All of these individuals are of 50 percent blood quantum or more. Some have been on the waiting list for over 30 years. Yet, the representative from the Department of Hawaiian Homelands testified at the committee hearing that the State spends only $3 to $4 million of its general bond revenue per year to finance homesteads for those on the waiting list. Recent studies estimate that if this level of effort continues, it would take 50 years to provide benefits just for those on the waiting list now, to say nothing of new applicants. Wouldn't it be appropriate for the State to step up its efforts on behalf of those currently eligible, rather than to add a new class of beneficiaries?

Mr. AKAKA. If the gentleman will yield, the State of Hawaii has really stepped up its efforts in helping Hawaiians.

As a bit of history, let me start off by noting that from 1921, when the program first started, until 1974, not much development occurred. In fact, 2,200 awards were made over the period of 53 years. The reality of the situation is that no funds were made available when the act was administered under the United States between 1921 and 1959, nor were substantial funds made available between that time up to 1974.

The program was created with the intent that it be self-sufficient, and money was not appropriated at the beginning. Then beginning in 1974, however, the State's interest in the program was sparked and the fear of expending general fund dollars on the program dissipated. From 1974 to 1984, in one-sixth of the time of the program's entire existence a total of 1,300 new awards were made. In addition to these new awards, the State upgraded the drainage systems and roads in areas where problems had existed for over 50 years. More than $70 million was spent by the Department of Hawaiian Homelands on this endeavor.

In addition to annual budget appropriations, the State also guarantees the repayment of moneys barred by the department from Government agencies or private lending institutions and on departmental guarantees of loans made to lessees up to $21 million. This loan guarantee started in the late 1960's at roughly $8 million and has since risen to the current amount. The department of homelands has made the acceleration of awards its highest priority and is working on good faith to see that more beneficiaries are placed on the land.

In fiscal year 1985, 1,000 awards were made; 1,500 additional lots have been identified for awards in the next fiscal year. The Department's appropriation for fiscal year 1986 will total close to $10 million, $6 million for award acceleration, $2 million to improve the water system on the Island of Molokai, and $2 million for the development of commercial properties, one of the department's major revenue-generating sources.

So these are parts of the acceleration that the State has launched.

Mr. McCAIN. I appreciate that information.

I have two more questions, if I might request the indulgence of my distinguished colleague from Hawaii.

Mr. Speaker, my concern over the State's level of effort is increased by reports concerning extremely poor financial management by the Department of Hawaiian Homelands. Recent studies indicated that the department's accounting system was in such a shambles that it could not be audited, that its financial statements were inaccurate and incomplete, and that its cash management system had serious flaws. In a 9-month period in 1983, the department lost a total of $280,000 in interest due to uninvested cash balances. Don't these problems raise serious concerns about whether the State can handle even its current workload?

Mr. AKAKA. If the gentleman will yield, yes, it certainly does raise a big concern. As I pointed, out, over the 53 years, there was not much movement. For the first time, I want to inform my distinguished colleague, an audit was held, and the audit has been reported. The Department of Hawaiian Homelands now is taking that audit and is reorganizing some parts of it to improve its service.

Mr. McCAIN. I thank the gentleman.

The representative from the Department of Hawaiian Homelands testified at the committee hearing that there is plenty of land available for everyone on the waiting list, and that in fact, only 20 percent of the 200,000 acres of Hawaiian homelands are currently used by native Hawaiians. However, I am concerned that there is not enough land to go around. I cite four factors in support of this concern.

First, recent studies indicate that the State has no accurate inventory of Hawaiian homelands. This is due in significant part to the poor recordkeeping and limited resources of the Department of Hawaiian Homelands. As of late 1983, the department could not account at all for nearly 20,000 acres of homelands.

Second, over 30,000 acres of homelands are being used by local governments and other entities for purposes not authorized by the Homes Commission Act. The State has been very slow to recover this land and seek compensation on behalf of native Hawaiians. Furthermore, the unauthorized uses have rendered surrounding homelands unsuitable as homesteads.

Third, 80,000 acres of homelands, over 40 percent of the available land, are leased to private, non-native Hawaiian interests, for very modest rents.

Fourth, those on the waiting list are entitled to express a geographic preference for their homesteads. In some areas, the supply of available land is insufficient to accommodate everyone on the waiting list.

All of this indicates to me that there will be serious problems in providing land to those currently eligible, much less to a new group of beneficiaries. Should not these issues be cleared up before we move further on House Joint Resolution 17?

Mr. AKAKA. I must commend my distinguished colleague for his information.

There have been movements to correct this. I did mention in my testimony that the Federal-State Task Force on the Hawaiian Homes Commission Act did cite these problems that the gentleman is mentioning and did make recommendations which are being considered, and corrections are being made. I want to assure my colleague that I am personally looking into this also, to look for the best improve-

ments in the services that are being given by the Hawaiian Homelands Commission and assure you that these improvements are coming about.

Mr. McCAIN. I appreciate very much the information and the commitment on the part of my colleague from Hawaii to see that this legislation will be fairly and equitably carried out, as well as many of the other problems which I have raised in our colloquy here today.

In closing, Mr. Speaker, I would just like to say that we are writing another chapter, in my opinion, of making decisions and passing laws without informing or receiving consent of those minorities who are affected by this legislation. My colleague mentioned there is no cost. Indeed there is no cost, according to the Office of Management and Budget. I think there is a great deal of cost to those 9,000 native Hawaiians who have been waiting for over 30 years to locate on lands that were allocated to them many years ago.

□ 1330

I do not think that it is fair or equitable of this body to pass a piece of legislation which in my mind at the very minimum has not received the consent and agreement of those who were directly affected by it.

Mr. AKAKA. Mr. Speaker, will the gentleman yield to me?

Mr. McCAIN. I am glad to yield.

Mr. AKAKA. Mr. Speaker, I thank the gentleman very much for yielding.

The passage of that Act 272 in the State legislature required 6 years of review and revision by the State legislature. I am saying this by way of the support that has come from Hawaii. That act passed the State senate by a margin of 22 to 1, with a single opponent favoring complete repeal of the blood quantum provision and his reason for that was that he felt that there should be no quantum.

The vote in the house was unanimous.

The bill was approved by the Governor on June 18, 1982.

A great deal of time and effort was spent on this matter, affording native Hawaiians in Hawaii opportunity to assist the legislature in drafting some measure.

Testimony delivered by the Hawaiian High Valley Homestead Committee Association, Inc., serves as a good example of the sentiments of a majority of native Hawaiians on this matter, and I quote:

We strongly urge you to support the amendment as it applies to the lessee who is eligible through the 50 percent blood criteria and to lessen it to no less than 25 percent for his or her spouse or children would give the family security of continuity, the opportunity to advance themselves further, enabling them to look hopefully to a future of stability in economics and personal achievement.

Mr. UDALL. Mr. Speaker, to close debate, I would like to thank the gentleman from Arizona [Mr. McCAIN] for the constructive way in which he has gone about his reservation on this legislation. It has been helpful and I think we have made a better record because the gentleman has come forward with these objections.

Having said that, I think it would be a grave mistake for the House not to pass this legislation. As has been pointed out, there is absolutely no cost to the Federal Government. It is supported unanimously by the House delegation and by the delegation at the other end of the Capitol. The State legislature supports it. It has strong support in our committee, as evidenced by my presence here today and the statement by the gentleman from Alaska, who is the ranking Republican on our committee.

Mr. BLAZ. Mr. Speaker, I rise in support of House Joint Resolution 17 and to complement our colleagues from the State of Hawaii, DAN AKAKA and CEC HEFTEL, for calling this matter to the attention of Congress, and to Chairman MO UDALL for his outstanding leadership in bringing the joint resolution expeditiously to the House floor.

In 1959 this Congress admitted the great State of Hawaii into the Union and transferred this management and disposition of the Native Hawaiian Homesteading Program, commonly referred to as the Hawaiian Homes Commission Act, to the State. The Hawaiian Homes Commission Act was subsequently adopted as a part of the constitution of the State of Hawaii. For some innocuous reason, Congress reserved the authority to grant its consent to certain amendments to the Hawaiian Homes Commission Act passed by the State of Hawaii.

For the past 27 years, the State of Hawaii has administered the Hawaiian Homes Commission Act effectively, conscientiously, and diligently in keeping with the mandate of Congress. The State of Hawaii is the only body that can deal appropriately with the subject matters of the HHCA which are of local nature, and the State has given careful and prudent consideration to the amendments incorporated in House Joint Resolution 17. The joint resolution is endorsed and supported by all the leaders of Hawaii, including the Hawaii delegations of both Houses of Congress and the State legislature. Congress should acquiesce to the determination of the State and must now render its consent to the joint resolution.

House Joint Resolution 17 before this House would approve, en masse, all the amendments to the HHCA previously enacted by the State of Hawaii, except one. Congressional consent to those amendments is necessary to avoid any confusion and legal challenge with respect to the validity of those amendments, and I urge all my colleagues in this body to vote for the adoption of the joint resolution.

Thank you.

Mr. VISCLOSKY. Mr. Speaker, in drafting the Hawaii Admission Act, I believe that the intent of all parties to the act, especially the residents of Hawaii, was to transfer the jurisdiction of a native Hawaiian homesteading program to the State of Hawaii.

What we are here to decide is if, under the provisions of admission, we will allow the elected government of Hawaii to determine the future of the homesteading program, the Hawaiian Homes Commission Act [HHCA].

The legislature of Hawaii, after lengthy debate and laborious compromise, passed a measure which would allow for a change in the blood gantum requirements for the inheritance of homesteaded land under the HHCA. Additionally, the Hawaii delegation to the U.S. House of Representatives and the U.S. Senate unanimously supports passage of the bill which would permit these changes—House Joint Resolution 17.

I believe it is the obligation to this Congress to render consent to the amendments passed by the Hawaiian Legislature. The measure involves absolutely no cost to any governmental body. The change in the law would only affect heirs to homesteaded land, not new applicants. This is a reasonable change, the Hawaiian people want it, and we should allow them to have it.

Those who oppose this measure are compassionate in their philosophy and I appreciate their special concerns, however, I must disagree. The issue was debated in Hawaii, among Hawaiians in a thoroughly sound and democratic manner. I believe we should consent to this reasonable and sound amendment to HHCA and not question the wisdom of the Hawaiian people who have spoken through their elected representatives

Mr. HEFTEL of Hawaii. Mr. Speaker, I rise today in support of House Joint Resolution 17, a bill of great importance to the native people of Hawaii.

House Joint Resolution 17, sponsored by my distinguished colleague DANIEL AKAKA and me, grants the consent of Congress to amendments enacted by the State of Hawaii to the Hawaiian Homes Commission Act. As part of the Hawaii Statehood Act in 1959, the Federal Government turned over its control of the Hawaiian Homes Commission to the State of Hawaii. Congress reserved the right to grant authority to certain amendments made to the Hawaiian Homes Commission Act, thus, we bring House Joint Resolution 17 to the House floor today to fulfill this congressional obligation.

These amendments, which include all amendments made to the Hawaiian Homes Commission Act since statehood, are primarily to facilitate the operations of the Hawaiian Homes Program. The most significant of these amendments allows native Hawaiians living on Hawaiian homestead lands to pass the land onto either a spouse or offspring who have a minimum of one quarter Hawaiian blood quantum. Current law requires that anyone leasing Hawaiian Home Land must have at least 50 percent Hawaiian blood and thus prevents a spouse or child from staying on the land if they do not meet this requirement once the lessee dies. This amendment does not affect other successors to the land, such as siblings or other relatives of the lessee, who will still have to meet the one half Hawaiian blood quantum requirement.

This amendment is necessary because intermarriage is reducing Hawaiian blood quantums. Of over 175,000 natives of Hawaiian ancestry in Hawaii, only 27 percent have 50 percent or more Hawaiian blood quantum. We can anticipate that the next generation of lessees' children will probably not meet the Hawaiian blood requirement. Over the past 10 years only eight leases have been cancelled because the spouse or children of the deceased lessee did not meet the 50 percent Hawaiian blood requirement. This number will increase. Failure to lower the blood quantum now would be inequitable and would penalize Hawaiian children of a heritage that is rightfully theirs.

House Joint Resolution 17 was originally introduced to grant congressional consent solely to this blood quantum amendment. At the recommendation of the U.S. Department of the Interior during a hearing on the bill last November, House Joint Resolution 17 was amended to include congressional consent to all amendments made to the Hawaiian Homes Commission Act. Again, these amendments are primarily housekeeping in nature, and do not represent any cost to the Hawaii State or Federal governments.

I urge my colleagues to support House Joint Resolution 17 to fulfill this Congressional obligation to the Hawaiian people.

Mr. UDALL. Mr. Speaker, I urge adoption of this joint resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona [Mr. UDALL] that the House suspend the rules and pass the joint resolution, House Joint Resolution 17, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

WILD AND SCENIC RIVERS ACT AMENDMENTS

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4350), to amend the Wild and Scenic Rivers Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—WILD AND SCENIC RIVER DESIGNATIONS

SEC. 101. (a) Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274) is amended by adding the following new paragraph at the end:

"(56) CACHE LA POUDRE, COLORADO.—The following segments as generally depicted on the proposed boundary maps numbered fs-56 and dated March 1986, published by the United States Department of Agriculture, each to be administered by the Secretary of Agriculture; except that those portions of the segments so designated which are within the boundary of Rocky Mountain National Park shall continue to be administered by the Secretary of the Interior:

"(A) Beginning at Poudre Lake downstream to the confluence of Joe Wright Creek, as a wild river. This segment to be designated the 'Peter H. Dominick Wild River Area'.

"(B) Downstream from the confluence of Joe Wright Creek to a point where the river intersects the Easterly North-South line of the W 1/2 SW 1/4 of Section 1, Township 8 North, Range 71 West of the 6th P.M., as a recreational river.

"(C) South Fork of the Cache la Poudre River from its source to the Comanche Peak Wilderness Boundary, approximately four miles, as a wild river.

"(D) Beginning at the Comanche Peak Wilderness Boundary to a point on the South Fork of the Cache la Poudre River in Section 1, Township 7 North, Range 73 West of the 6th P.M., at elevation 8050 mean sea level, as a recreational river.

"(E) South Fork of the Cache la Poudre River from its intersection with the easterly section line of Section 30, Township 8 North, Range 72 West of the 6th P.M., to confluence of the main stem of the Cache la Poudre River, as a wild river.

With respect to the portions of the river segments designated by this paragraph which are within the boundaries of Rocky Mountain National Park, the requirements of subsection (b) of this section shall be fulfilled by the Secretary of the Interior through appropriate revisions to the general management plan for the park, and the boundaries, classification, and development plans for such portions need not be published in the Federal Register. Such revisions to the general management plan for the park shall assure that no developments or use of park lands shall be undertaken that is inconsistent with the designation of such river segments as a wild river. For the purposes of the segments designated by this paragraph, there are authorized to be appropriated for fiscal years commencing after September 30, 1986, such sums as may be necessary for the acquisition of lands and interests in lands and for development.".

(b) Inclusion of the designated segments of the Cache la Poudre River in the Wild and Scenic Rivers system under subsection (a) of this section shall not interfere with the exercise of existing decreed water rights to water which has heretofore been stored or diverted by means of the present capacity of storage, conveyance, or diversion structures that exist as of the date of enactment of this Act, or operation and maintenance of such structures. Nor shall inclusion of the designated segments of the Cache la Poudre River in the Wild and Scenic Rivers system be utilized in any Federal proceeding, whether concerning a license, permit, right-of-way, or other Federal action, as a reason or basis to prohibit the development or operation of any water impoundments, diversion facilities, and hydroelectric power and transmission facilities below Poudre Park located entirely downstream from and potentially affecting designated segments of the Cache la Poudre River, or relocation of Highway 14 to any point east of the north-south ½ section line of Section 2, Township 8 North, Range 71 West of the 6th P.M., as necessary to provide access to Poudre Park around such facilities; provided due consideration shall be given to reasonable measures for minimizing the impact of such facilities and road relocation on the designated segments. Congress finds that development of water impoundments, diversion facilities, and hydroelectric power and transmission facilities located entirely downstream from the designated segments of the Cache la Poudre River below Poudre Park, in accordance with the provisions of this section, is not incompatible with the designation of segments of the Cache la Poudre River in the Wild and Scenic Rivers system under subsection (a) of this section. The reservation of water established by the inclusion of segments of the Cache la Poudre River in the Wild and Scenic Rivers system shall be subject to the provisions of this Act, shall be adjudicated in Colorado Water Court, and shall have a priority date as of the date of enactment of this Act.

(c)(1) The Secretary of Agriculture, acting through the Chief of the United States Forest Service, shall provide grants and technical assistance to the City of Fort Collins, Colorado, to carry out a study regarding the designation of the following area as a national recreation area: the 18.5 mile segment of the Cache la Poudre River Corridor from the northwest boundary of the city of Fort Collins urban growth area to the Weld-Larimer County line.

(2) The study under this subsection shall include each of the following:

(A) A comprehensive evaluation of the public recreation opportunities and flood plain management options which are available with respect to the river corridor involved.

(B) An evaluation of the natural, historical, and recreational values of such corridor.

(C) Patterns for possible land acquisition within the corridor which are deemed necessary for the purpose of resource protection, scenic integrity, or management and administration of the corridor area.

(D) Cooperative management proposals for the administration of the corridor area.

(E) The number of visitors and types of public use within the corridor area that can be accommodated in accordance with the full protection of its resources.

(F) The facilities deemed necessary to accommodate and provide access for such visitors and uses, including the location and estimated costs of such facilities.

(3) Within 3 years after enactment of this Act, the Secretary of Agriculture shall transmit to the Congress a comprehensive report containing the results of the study conducted pursuant to this section.

(4) Effective October 1, 1986, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.

(5) Not more than 75 percent of the cost of the study carried out under this subsection shall be paid by the United States. The remaining portion of such costs shall be contributed by the city of Fort Collins. The portion contributed by the city of Fort Collins may consist of appropriated funds or contributed services.

SEC. 102. Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph after paragraph (56):

"(57) SALINE BAYOU, LOUISIANA.—The segment from Saline Lake upstream to the Kisatchie National Forest, as generally depicted on the Proposed Boundary Map, numbered fs-57, and dated March, 1986; to be administered by the Secretary of Agriculture. For the purposes of the segment designated by this paragraph, there are authorized to be appropriated for fiscal years commencing after September 30, 1986, such sums as may be necessary for the acquisition of lands and interests in lands and for development.".

SEC. 103. Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph after paragraph (57):

"(58) BLACK CREEK, MISSISSIPPI.—The segment from Fairley Bridge Landing upstream to Moody's Landing as generally depicted on a map entitled 'Black Creek Wild and Scenic River', numbered fs-58 and dated March 1986, to be administered by the Secretary of Agriculture as a scenic river area under section 2(b)(2). For the purposes of the segment designated by this paragraph, there are authorized to be appropriated for fiscal years commencing after September 30, 1986, such sums as may be necessary for the acquisition of lands and interests in lands and for development.".

SEC. 104. Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph after paragraph (58):

"(59) NORTH FORK KERN RIVER, CALIFORNIA.—The segment of the main stem from the Tulare-Kern county line to its headwaters within Sequoia National Park, as generally depicted on a map entitled 'Proposed North Fork Kern River', numbered fs-59 and dated March, 1986; to be administered by the Secretary of Agriculture; except that those portions of the river within the boundaries of the Sequoia National Park shall be administered by the Secretary of the Interior. With respect to the portions of the river segments designated by this paragraph which are within the boundaries of Sequoia National Park, the requirements of subsection (b) of this section shall be fulfilled by the Secretary of the Interior through appropriate revisions to the general management plan for the park, and the boundaries, classification, and development plans for such portions need not be published in the Federal Register. Such revisions to the general management plan for the park shall assure that no developments or use of park lands shall be undertaken that is inconsistent with the designation of such river segments as a wild river. For the purposes of the segment designated by this paragraph, there are authorized to be appropriated for fiscal years commencing after September 30, 1986, such sums as may be necessary for the acquisition of lands and interests in lands and for development."

SEC. 105. Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph after paragraph (59):

"(60) SOUTH FORK KERN RIVER, CALIFORNIA.—The segment from its headwaters in the Inyo National Forest to the southern boundary of Domelands Wilderness in the Sequoia National Forest, as generally depicted on the Proposed Boundary Map, numbered fs-60, and dated March, 1986; to be administered by the Secretary of Agriculture. For the purposes of the segment designated by this paragraph, there are authorized to be appropriated for fiscal years commencing after September 30, 1986, such sums as may be necessary for the acquisition of lands and interests in lands and for development.".

TITLE II—WILD AND SCENIC RIVER STUDIES

SEC. 201. (a) Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) is amended by adding the following new paragraph at the end thereof—

"(92) HENRY'S FORK, IDAHO.—The segment of approximately 11 miles from Big Springs downstream to Island Park Reservoir, and the segment of approximately 31 miles from Island Park Dam downstream to the confluence with Warm River.".

(b) Section 5(b)(3) of such Act is amended by adding the following at the end thereof: "The study of the river named in paragraph (92) of subsection (a) shall be completed not later than 2 years after the date of the enactment of this sentence.".

SEC. 202. (a) Congress finds that—

(1) The West Branch of the Farmington River and related land areas possess resource values of national significance, such as significant white water rapids, undeveloped lands, scenic and cultural areas, important sport fisheries, and prime agricultural lands.

(2) Based on the National Rivers Inventory by the National Park Service, published in January 1982, this portion of the Farmington River is eligible for study for inclusion in the wild and scenic rivers system.

(3) There is strong support among local, State, and Federal officials, area residents, and river users for a concerted cooperative effort to manage the river in a productive and meaningful way.

(4) In view of the longstanding Federal practice of assisting States and local governments in protecting, conserving, and enhancing rivers of national significance, the United States has an interest in assisting the State of Connecticut and the Commonwealth of Massachusetts and the appropriate local governments in managing the river.

(b) Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding the following new paragraph after paragraph (92):

"(93) FARMINGTON, WEST BRANCH, CONNECTICUT AND MASSACHUSETTS.—The segment from the intersection of the New Hartford-Canton, Connecticut, town line upstream to the base of the West Branch Reservoir in Hartland, Connecticut; and the segment from the confluence with Thorp Brook in Sandisfield, Massachusetts, to Hayden Pond in Otis, Massachusetts.".

(c) Section 5(b) of such Act (16 U.S.C. 1276(b)) is amended by adding at the end thereof the following new paragraph:

"(7) The study of the river named in paragraph (93) of subsection (a) shall be completed and the report submitted thereon not later than the end of the third fiscal year beginning after the enactment of this paragraph. Such report shall include a discussion of management alternatives for the river if it were to be included in the national wild and scenic river system."

(d)(1) At the earliest practicable date following the enactment of this Act, but not later than 45 days after enactment, the Secretary of the Interior shall establish the Farmington River Study Committee (hereinafter in this subsection referred to as the "Committee"). The Secretary shall consult with the Committee on a regular basis during the conduct of the study. Membership on the Committee shall consist of 17 members appointed by the Secretary of the Interior as follows:

(A) One member shall be appointed by the Secretary.

(B) Two members shall be appointed by the Secretary from a list of candidates supplied to the Secretary by the Governor of the State of Connecticut.

(C) Two members shall be appointed by the Secretary from a list of candidates supplied to the Secretary by the Governor of the Commonwealth of Massachusetts.

(D) Two members shall be appointed by the Secretary from a list of candidates supplied to the Secretary by the Farmington River Watershed Association.

(E) One member shall be appointed by the Secretary from each of the 8 towns located along the West Branch of the river. The governing body of each of the 8 towns shall provide a list of candidates to the Secretary from which the 8 appointments under this paragraph shall be made.

(F) Two members shall be appointed by the Secretary from a list of candidates supplied to the Secretary by the Metropolitan District Commission of Hartford, Connecticut.

(2) The members of the Committee shall elect a chairman, vice chairman, and recording secretary from the membership at the first official meeting of the Committee. Official minutes shall be kept of each regular and special meeting of the Committee and shall be open for public inspection.

(3) Any vacancy on the Committee shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Vacancies in the membership of the Committee shall not affect its power to function if there remain sufficient members to constitute a quorum under paragraph (4) of this subsection.

(4) A majority of the members of the Committee shall constitute a quorum for all meetings.

(5) The Committee shall advise the Secretary in conducting the study of the Farmington River segment specified in section 5(a)(93) of the Wild and Scenic Rivers Act. The Committee also shall advise the Secretary concerning management alternatives should the river be included in the wild and scenic rivers system.

(6) Members of the Committee shall serve without compensation but may be compensated for reasonable and necessary expenses incurred by them in the performance of their duties as members of the Committee.

(7) The Committee may accept and utilize the services of voluntary, uncompensated personnel.

(8) The Committee shall terminate on the later of the following:

(A) The completion of the river study of the Farmington River described in section 5(a)(93) of the Wild and Scenic Rivers Act.

(B) The completion of management alternatives should the river be included in the wild and scenic rivers system.

(e) As used in this section (other than in subsection (b) the term "River" means the segments of the Farmington River described in paragraph (93) of section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)).

(f) Effective October 1, 1986, there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

SEC. 203. GREAT EGG HARBOR RIVER.

(a) STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) is amended by adding the following new paragraph at the end thereof—

"(94) GREAT EGG HARBOR RIVER, NEW JERSEY.—The entire river.".

(b) COMPLETION DATE.—Section 5(b)(3) of such Act is amended by adding the following at the end thereof: "The study of the river named in paragraph (94) of subsection (a) shall be completed not later than 3 years after the date of the enactment of this sentence.".

TITLE III—TECHNICAL AMENDMENTS TO THE WILD AND SCENIC RIVERS ACT

SEC. 301. (a) Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by redesignating the paragraphs relating to the Au Sable River, the Tuolumne River, the Illinois River, and the Owyhee River as paragraphs (52) through (55) respectively.

(b)(1) The first sentence of section 3(b) of the Wild and Scenic Rivers Act is amended as follows:

(A) Strike out "one year from the date of this Act" and substitute "one year from the date of designation of such component under subsection (a)".

(B) Strike out the second parenthetical statement and substitute the parenthetical statement, "(which boundaries shall include an average of not more than 320 acres of land per mile measured from the ordinary high water mark on both sides of the river)".

(C) Strike out the semicolon and the remainder of the sentence after the words "its various segments" and substitute a period.

(2) The second sentence of section 3(b) of such Act is amended by striking out "Said boundaries, classification, and development plans" and substituting the words "Notice of the availability of the boundaries and classification, and of subsequent boundary amendments".

(3) Section 3 of such Act is amended by adding the following new subsections at the end:

"(c) Maps of all boundaries and descriptions of the classifications of designated river segments, and subsequent amendments to such boundaries, shall be available for public inspection in the offices of the administering agency in the District of Columbia and in locations convenient to the designated river.

"(d)(1) For rivers designated on or after January 1, 1986, the Federal agency charged with the administration of each component of the National Wild and Scenic Rivers System shall prepare a comprehensive management plan for such river segment to provide for the protection of the river values. The plan shall address resource protection, development of lands and facilities, user capacities, and other management practices necessary or desirable to achieve the purposes of this Act. The plan shall be coordinated with and may be incorporated into resource management planning for affected adjacent Federal lands. The plan shall be prepared, after consultation with State and local governments and the interested public within 3 full fiscal years after the date of designation. Notice of the completion and availability of such plans shall be published in the Federal Register.

"(2) For rivers designated before January 1, 1986, all boundaries, classifications, and plans shall be reviewed for conformity within the requirements of this subsection within 10 years through regular agency planning processes.".

SEC. 302. Section 4 of the Wild and Scenic Rivers Act is amended by adding a new subsection (d) after subsection (c):

"(d) The boundaries of any river proposed in section 5(a) of this Act for potential addition to the National Wild and Scenic Rivers System shall generally comprise that area measured within one-quarter mile from the ordinary high water mark on each side of the river. In the case of any designated river, prior to publication of boundaries pursuant to section 3(b) of this Act, the boundaries also shall comprise the same area. This subsection shall not be construed to limit the possible scope of the study report to address areas which may lie more than one-quarter mile from the ordinary high water mark on each side of the river.".

SEC. 303. Section 5 of the Wild and Scenic Rivers Act is amended as follows:

(1) In subsection (a) paragraph (90) relating to the North Umpqua is redesignated as paragraph (91).

(2) At the end of subsection (b)(1) add: "Studies of the river named in paragraphs (38), (55), (83), and (87) shall be completed and the reports transmitted to the Congress not later than January 1, 1987.".

(3) Amend paragraph (4) of subsection (b) to read as follows:

"(4) For the purposes of conducting the studies of rivers named in subsection (a), there are authorized to be appropriated such sums as necessary.".

SEC. 304. (a) Section 6(e) of the Wild and Scenic Rivers Act is amended by striking out "Congress in authorized" and substituting "Congress is authorized".

(b) Section 6(a) of the Wild and Scenic Rivers Act is amended by striking out "donation, and lands" in the second sentence and substituting "donation or by exchange in accordance with the provisions of section 206 of the Federal Land Policy and Management Act of 1976. Lands".

(c) Section 6(a) of the Wild and Scenic Rivers Act is amended by inserting "(1)" after "(a)" and by adding the following at the end:

"(2) When a tract of land lies partially within and partially outside the boundaries of a component of the National Wild and Scenic Rivers System, the appropriate Secretary may, with the consent of the landowners for the portion outside the boundaries, acquire the entire tract. The land or interest therein so acquired outside the boundaries shall not be counted against the average 100-acre per mile fee title limitation of subsection (a)(1). If not needed for outdoor recreation, administrative, or other purposes in furtherance of this Act, the lands or interests therein outside such boundaries, may be disposed of, consistent with existing authorities of law, by sale, lease, or exchange.".

(d) Section 6(b) of the Wild and Scenic Rivers Act is amended as follows:

(1) Insert in the first sentence "outside the ordinary high water mark on both sides of the river" after the word "acreage".

(2) Insert "in fee title" after the word "owned".

SEC. 305. (a) The second sentence of section 7(a) of the Wild and Scenic Rivers Act is amended by deleting "approval of this Act" and substituting "designation of a river as a component of the National Wild and Scenic Rivers System".

(b) Section 7(b) of the Wild and Scenic Rivers Act is amended as follows:

(1) In the first sentence after clause (i) insert a new clause (ii) as follows:

"(ii) during such interim period from the date a report is due and the time a report is actually submitted to the Congress; and".

(2) Redesignate existing clause (ii) as clause (iii).

(3) At the end of the second sentence, delete "approval of this Act" and insert in lieu thereof the words, "designation of a river for study as provided for in section 5 of this Act".

SEC. 306. Section 8(a) of the Wild and Scenic Rivers Act is amended by adding the following at the end thereof: "This subsection shall not be construed to limit the authorities granted in section 6(d) or section 14A of this Act.".

SEC. 307. Section 9(b) of the Wild and Scenic Rivers Act is amended by striking out "issuance or leases" in the second sentence and substituting "issuance of leases".

SEC. 308. Section 11 of the Wild and Scenic Rivers Act is amended by deleting the second sentence in subsection (a) and by amending section (b) to read as follows:

"(b)(1) The Secretary of the Interior, the Secretary of Agriculture, or the head of any other Federal agency, shall assist, advise and cooperate with States or their political subdivisions, landowners, private organizations, or individuals to plan, protect, and manage river resources. Such assistance, advice, and cooperation may be through written agreements or otherwise. This authority applies within or outside a federally administered area and applies to rivers which are components of the Wild and Scenic River System and to other rivers. Any agreement under this subsection may include provisions for limited financial or other assistance to encourage participation in the acquisition, protection, and management of river resources.

"(2) Wherever appropriate in furtherance of this Act, the Secretary of Agriculture and the Secretary of the Interior are authorized and encouraged to utilize the following:

"(A) For activities on federally owned land, the Volunteers in the Parks Act of 1969 (16 U.S.C. 18g-j) and the Volunteers in the Forest Act of 1972 (16 U.S.C. 558a-558d).

"(B) For activities on all other lands, section 6 of the Land and Water Conservation Fund Act of 1965 (relating to the development of statewide comprehensive outdoor recreation plans).

"(3) For purposes of this subsection, the appropriate Secretary or the head of any Federal agency may utilize and make available Federal facilities, equipment, tools and technical assistance to volunteers and volunteer organizations, subject to such limitations and restrictions as the appropriate Secretary or the head of any Federal agency deems necessary or desirable.

"(4) No permit or other authorization provided for under provision of any other Federal law shall be conditioned on the existence of any agreement provided for in this section.".

SEC. 309. Section 12(c) of the Wild and Scenic Rivers Act is amended by deleting the words "Secretary of the Interior" and inserting in lieu thereof the words "Administrator, Environmental Protection Agency".

SEC. 310. Section 14 of the Wild and Scenic Rivers Act is amended by inserting "(a)" after "14." and adding a new subsection (b) as follows:

"(b) For the conservation purposes of preserving or enhancing the values of components of the National Wild and Scenic Rivers System, and environs thereof as determined by the appropriate Secretary, landowners are authorized to donate or otherwise convey qualified real property interests to qualified organizations consistent with section 170(h)(3) of the Internal Revenue Code of 1954. Such interest may include, but shall not be limited to, rights-of-way, open space, scenic, or conservation easements, without regard to any limitation on the nature of the estate or interest otherwise transferable within the jurisdiction where the land is located. The conveyance of any such interest in land in accordance with this subsection shall be deemed to further a Federal conservation and policy and

yield a significant public benefit for purposes of section 6 of Public Law 96-541.".

SEC. 311. Section 16(c) of the Wild and Scenic Rivers Act is amended by adding at the end thereof: "For any designated wild and scenic river, the appropriate Secretary shall treat the acquisition of fee title with the reservation of regular existing uses to the owner as a scenic easement for purposes of this Act. Such an acquisition shall not constitute fee title ownership for purposes of section 6(b).".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to insert their remarks in the RECORD on the pending measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, the purpose of H.R. 4350 is to amend the National Wild and Scenic Rivers Act to designate segments of five rivers, add three rivers for study, and make several amendments to the general provisions of the Wild and Scenic Rivers Act.

In brief, H.R. 4350 would amend the National Wild and Scenic Rivers Act by designating segments of the Cache la Poudre River, Colorado; Saline Bayou, Louisiana; Black Creek, Mississippi; North Fork Kern River, California; and South Fork Kern River, California for inclusion in the wild and scenic system. The bill also would provide for the study of segments of the Henry's Fork River, Idaho; the Farmington River, Connecticut and Massachusetts; and the Great Egg Harbor River, New Jersey, for possible addition to the wild and scenic river system. In addition, a number of technical amendments are made to the National Wild and Scenic Rivers Act to clarify areas of interpretation and improve direction for the managing agencies.

Mr. Speaker, H.R. 4350 is a composite, in amended form, of many wild and scenic rivers bills that were introduced separately by out distinguished colleagues. H.R. 4350 was introduced by myself and the sponsors of all of those original bills.

Mr. Speaker, we would not be here today if it were not for the leadership of many of our colleagues who saw the need for action to protect some of our outstanding river resources before those valuable national assets were degraded or destroyed. I want to express my thanks to NANCY JOHNSON who introduced H.R. 2191 and Interior Committee member SAM GEJDENSON who worked on this compromise measure to study the West Branch Farmington River; JERRY HUCKABY who introduced H.R. 2230, to protect the Saline Bayou; RICHARD STALLINGS who introduced H.R. 2569, to study the Henry's Fork River; HANK BROWN who introduced H.R. 3547, to protect the Cache la Poudre River; CHIP PASHAYAN who introduced H.R. 3934, to protect the north and south forks of the Kern River and to clarify some language in the general sections of the National Wild and Scenic Rivers Act; TRENT LOTT who introduced H.R. 4091 to protect Black Creek; and BILL HUGHES who introduced H.R. 4293, to study the Great Egg Harbor River.

The Committee on Interior and Insular Affairs has been working over the last year to perfect this legislation and could not have done so without the assistance of these Members and their fine staffs. I particularly wish to commend the outstanding dedication and hard work of Chris Brown and Eric Olson of the American Rivers Conservation Council [ARCC]. The many members of ARCC across the Nation can be proud of these two dedicated people.

Last but not least, I want to thank the Forest Service for its helpful and cooperative efforts to perfect this bill.

Mr. Speaker, this is a good bill and I urge all of my colleagues to support it.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the chairman of the subcommittee has explained the bill adequately and very eloquently. The Subcommittee on National Parks has been working on components of this bill since last fall. There were several very difficult compromises that needed to be made and I want to commend the chairman for his efforts in working out those problems in the bill.

As did the gentleman, I would also like to commend all the members, the same ones the gentleman mentioned. I will not name them again. Their hard work and spirit of cooperation resulted in the development of what I think is an outstanding omnibus piece of legislation. I was certainly pleased to join them as a cosponsor of the legislation.

Mr. Speaker, I rise in strong support of H.R. 4350, the Omnibus Wild and Scenic Rivers bill.

This significant legislation designates segments of the Cache la Poudre River, Colorado; the Saline Bayou, Louisiana; the Black Creek, Mississippi; and the north fork and south fork of the Kern River, California, for inclusion in the Wild and Scenic Rivers System. This legislation will result in an addition of approximately 267 miles to the current National Wild and Scenic Rivers System, which was initiated in 1968 through passage of the Wild and Scenic Rivers Act.

The bill also provides for studies of several other river segments for potential addition to the Wild and Scenic Rivers System. These include the Henry's Fork River, Idaho; the West Branch Farmington River, Connecticut and Massachusetts; and the Great Egg Harbor River, New Jersey. A total of 116 miles of rivers will be studied.

Finally, the bill contains several generic amendments to the Wild and Scenic Rivers Act intended to correct some minor technical deficiencies in the act. These changes were recommended by the administering Federal agencies, primarily the U.S. Forest Service, to assist them with implementation of the act.

Mr. Speaker, the Subcommittee on National Parks and Recreation, of which I am the ranking member, has been working on the components of H.R. 4350 since last fall. Several difficult compromises were made along the way and I want to commend Chairman VENTO for his efforts in working out the problems associated with the bill. I would also like to commend the Members who sponsored the individual river measures included in the bill. Their hard work and spirit of cooperation resulted in the development of this outstanding omnibus legislation. I was certainly pleased to join with them as a cosponsor of H.R. 4350 when it was recently introduced.

Mr. Speaker, the enactment of this legislation will provide needed protection for some of the Nation's most scenic and valuable recreational river resources. In addition, it will provide some positive changes to the original act. Furthermore, it enjoys broad-based bipartisan support. Therefore, I strongly support H.R. 4350 and urge my colleagues to act favorably upon it.

Thank you, Mr. Speaker.

Mr. Speaker, I yield 3 minutes to the distinguished minority whip, the gentleman from Mississippi [Mr. LOTT].

Mr. LOTT. Mr. Speaker, I rise in support of H.R. 4350, a bill which adds five new river segments to the National Wild and Scenic Rivers System. I am proud, Mr. Speaker, to say that a segment of the Black Creek, in the Fifth Congressional District of Mississippi, is one of the five rivers being proposed for designation today.

The Black Creek is located in the heart of my district in southern Mississippi. It is a unique river with special scenic value, and its incorporation into the Wild and Scenic Rivers System would be the first such designation in the State of Mississippi. I am excited about being a part of the preservation of the Black Creek and of the enhancement of the recreational value of the river by this designation.

Mr. Speaker, section 103 of this bill designates a 21-mile segment of the Black Creek as a component of the National Wild and Scenic Rivers System. This 21-mile section is almost totally included in the DeSoto National Forest and 5 miles are within the Black Creek Wilderness. Both the Forest Service and I recommend that the Black Creek segment from Fairley bridge landing upstream to Moody's landing be classified as a scenic river. This designation would have the least impact on private lands while preserving a portion of the river in a scenic condition at a minimum cost.

Mr. Speaker, I want to express my appreciation to the distinguished chairman of the Committee on Interior and Insular Affairs, the gentleman from Arizona, and to the distinguished ranking member of the committee, the gentleman from Alaska. In addition, I would like to thank the National Parks and Recreation Subcommittee chairman and ranking member, the gentleman from Minnesota [Mr. VENTO] and the gentleman from California [Mr. LAGOMARSINO]. I also want to extend my gratitude to the U.S. Forest Service for their assistance to me in this endeavor.

Mr. Speaker, I am happy to join with my colleagues on both sides of the aisle in support of this omnibus rivers bill. I believe that the bill is worthwhile and I urge all Members to support it.

Mr. LAGOMARSINO. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON. Mr. Speaker, I rise in strong support of this measure and wish to express my sincere appreciation to the chairman of the Interior Committee and the National Parks Subcommittee, Mr. UDALL and Mr. VENTO, as well as the ranking members, Mr. YOUNG and Mr. LAGOMARSINO, for their leadership in bringing H.R. 4350 to the floor. I commend you on your hard work and trust that our colleagues will join us in voting for this important bill.

And, although many groups and individuals worked on this bill, I would be remiss if I did not single out my Connecticut colleague, SAM GEJDENSON, a member of the committee, for his particular attention to the Farmington River in this bill, as well as Chris Brown and Eric Olson of the American Rivers Conservation Council for their yeoman efforts on behalf of this country's wild, scenic, and recreational rivers.

I am very pleased to say that one of the study rivers in this bill, the west branch of the Farmington River, is in my district in Connecticut and provides thousands of people many hours of fishing, boating, and hiking pleasures and provides a habitat for many species of fish, plant, and animal life only minutes from downtown Hartford.

Mr. Speaker, the Farmington River is one of Connecticut's polished gems. It graces the green and gentle New England countryside with its clear, cascading water, its wooded banks, and its two swiftest gorges, Tariffville Gorge and Satan's Kingdom. One-hundred years ago the Farmington was nearly poisoned by the many paper mills, tanneries, cotton mills, foundries, and sawmills that lined its shores. But today, thanks to enlightened neighbors and the ever-watchful Farmington River Watershed Association, the river is clean and supports a growing population of Atlantic salmon.

The west branch of the Farmington River was included on the Interior Department's January 1981 nationwide rivers inventory with good reason: This river is the largest trout fishery in Connecticut; two State parks and five State forests dot the river corridor; and whitewater canoeing unique to southern New England is enjoyed by thousands of people annually and still more thousands use tubes or kayaks on the river's waters.

The Farmington River serves hundreds of thousands of people throughout southern New England and is unique in its ability to provide a truly scenic and recreational environ so close to a metropolitan area. This river deserves the protections offered by the study called for in the bill and I trust that the other body will agree with the House in approving H.R. 4350.

Mr. Speaker, I am pleased that the committee has approved this legislation and I strongly urge an affirmative vote on passage.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. HUCKABY], a member of the committee and a sponsor of one of the major components of this designation of the Saline Bayou. He has worked very hard and I want to commend the gentleman for his work with regard to this. I am sure with his continued work we will have success.

Mr. HUCKABY. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong support of this legislation also and I want to commend the gentleman from Minnesota [Mr. VENTO] and the gentleman from California [Mr. LAGOMARSINO] for packaging these various bills that were introduced into what I am sure will be a noncontroversial measure, with the addition of five rivers within the Nation's Wild and Scenic River System.

I am particularly interested in the Saline Bayou which flows through my congressional district. It is unique and it is also flowing through a major national forest and hence it enjoys widespread support in the State of Louisiana, not only from the press, as well as conservation and environmental groups, but in addition to that, virtually all of the State and local elected officials in the area. So I think it is very fitting and proper that we should include this Saline Bayou, one of the last of the remaining wild and free rivers in north Louisiana.

Again I want to commend the chairman for his excellent work in this and I urge its passage.

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Mr. VENTO. Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado [Mr. BROWN], author of one of the significant river portions in the bill.

Mr. BROWN of Colorado. I thank the gentleman from California for yielding this time to me.

Mr. Speaker, I would like to extend my thanks to the gentleman from Minnesota [Mr. VENTO] for his fine leadership in this area. This is an area in which there are sometimes more things thrown at one than there are praises for the fine work one does, but the gentleman from Minnesota has been a forthright leader in this area. He has been dedicated to getting the compromise through, of working with both sides, and the bill that we have before us is the product of that hard work, of his leadership, and the leadership of the gentleman from California, in bringing both sides of the aisle together in a bill that I am convinced is a plus for this Nation.

This bill includes under section 101 a designation of a portion of the Cache La Poudre River in Colorado. With the passage of this legislation, that will become the first wild and scenic river so designated in the State of Colorado. It is with great pride, I think, that I think the entire State will enjoy the beautiful amenities that this river includes.

What I want to point out, Mr. Speaker, is that there is an important aspect of this bill, particularly with regard to the Cache La Poudre. It is a step forward. It is a compromise. But it is a compromise where both sides were listened to, and the best of both ideas combined into a piece of legislation.

This bill enhances the environment and also preserves essential options for water storage. It does both, and I think by doing both it helps all the people of Colorado. It is a place where a compromise helped both sides win, not one side lose and one side win. That is the kind of positive legislation I think this area needs, one that listens, one that is responsive, and one that makes winners out of all Americans.

I might point out that some of the concern that has been expressed about this legislation is with regard to projects that are outside of the designated area, projects like the Trap Lake II project which is located outside of the designated corridor. All this bill simply means is that, that project must stand on its own. This legislation does not preclude the development of Trap Lake II and is not meant to. By standing on its own, it has the opportunity to show that it meets the guidelines that are set forth by existing law.

Mr. Speaker, I would be remiss if I did not note at this time that the portion of the river that is designated as wild is named after Peter H. Dominick, Senator Dominick served a term in this House of Representatives and went on to serve several terms in the United States. No more fitting tribute could be found than one that puts his name on a wild river in the mountains of Colorado. His memory is preserved in a way I think he would have loved.

Mr. ROSTENKOWSKI. Mr. Speaker, as reported by the Committee on Interior and Insular Affairs, H.R. 4350 would deem certain donations of real property interests to qualified organizations as qualifying for a Federal income tax deduction as a qualified charitable conservation contribution.

In order to qualify for a charitable deduction under the Internal Revenue Code, a conservation contribution must be made exclusively for conservation purposes. H.R. 4350 deems conveyances under this act to meet that standard and, consequently to qualify for the tax deduction. Expansions of allowable tax deductions certainly should be considered by the Committee on Ways and Means before being brought before the House.

It is possible that many or all contributions of real property interests under the Wild and Scenic Rivers Act would be qualified conservation contributions. However, the determination of whether the appropriate requirements are satisfied should be made under the Internal Revenue Code and not deemed to be met by some other statute.

Since this bill provides certain tax results regardless of the operation of the Internal Revenue Code, this bill is clearly a revenue measure and, as such, is a matter which falls within the jurisdiction of the Committee on Ways and Means pursuant to House Rule X.

Mr. Speaker, it is my hope that the jurisdictional concerns of the Committee on Ways and Means regarding this matter can be remedied as this bill proceeds through the legislative process. I must point out that I intend to protect the prerogatives of the Committee on Ways and Means as this bill proceeds. In addition, I intend to pursue appropriate jurisdictional referral of any future legislation which contains similar or identical provisions.

Mrs. KENNELLY. Mr. Speaker, H.R. 4350, the Wild and Scenic Rivers Act Amendments, provides for a study of the west branch of the Farmington River in Connecticut and Massachusetts. The Farmington River is nothing less than a treasure, a unique and beautiful resource of our highly urbanized State. Down the Farmington's 70-mile course through Connecticut, we are blessed with beautiful countryside, open spaces and prime farmland, whitewater rapids and gorges, historical buildings, and unique ecological phenomena.

The question how best to manage and preserve this important resource has been a vexing one in the State of Connecticut. The Farmington River is, to put it mildly, a multiuse river. It is an invaluable recreational resource, bordered by two State parks and five State forests. It plays an important role in efforts to restore Atlantic salmon to the Connecticut River basin. Its waters are used to dilute waste water from treatment plants and industrial sources in the valley. Another section of the Farmington is vital for public water supply, providing high quality drinking water to over 400,000 people in the Hartford/New Britain metropolitan areas.

Obviously, many different interests have many different ideas about how to balance these various uses of the river. An environmentally comprehensive management plan for Connecticut's water resources is a real challenge, and one that must be met. With the pressures of population growth, land development, and drought upon us, now is the time to ensure that health, recreational, environmental, and industrial needs will be met in the future working together on the Federal, State and local levels.

The study called for in this bill should be very helpful in grappling with these issues. While I had some reservations about some provisions of the original legislation, I am grateful for the efforts made to address these concerns in H.R. 4350. The bill represents an important component in the development of an environmentally comprehensive policy for a valuable water resource in Connecticut. Whether or not the legislation passed today ever leads to the designation of the west branch for inclusion in the national wild and scenic river system, the study should assist State and local interests in putting together information that might not otherwise be available to protect and manage this valuable resource.

I am pleased that the committee report makes clear that this wild and scenic study is explicitly intended to include an examination of the west branch in the context of Connecticut's water supply needs and that the Secretary of the Interior is instructed to closely coordinate the wild and scenic study with the Connecticut plan, the State of Connecticut's own ongoing comprehensive efforts to develop a master plan for future management of potable water resources. As Connecticut faces problems with chemical contamination of over 800 ground water wells and has suffered a serious drought in the past year, it would be shortsighted to study the west branch without looking at these questions. In addition, the report calls attention to the fact that the Secretary of the Interior has the authority to permit waivers of Federal regulations should water from the west branch be needed at the time of a drought, and this authority should be granted a liberal interpretation in an emergency.

H.R. 4350 establishes an advisory committee to assist the Secretary of the Interior in the development of the wild and scenic study and of the management alternatives for the west branch should it be included in the wild and scenic system. This study committee is a thoughtful innovation for the wild and scenic program and I am pleased it is more broadly representative under H.R. 4350 than had been the case in the original bill. It should also be noted however that the Secretary of the Interior is still expected to seek out a broad cross-section of local public opinion as required under the law so that all those with interests and concerns will be heard.

Mr. THOMAS of California. Mr. Speaker, because some people in California are confusing legislation affecting the Kern River, I want to explain the difference between the bill I cosponsored (H.R. 3934) and the bill I oppose (H.R. 4350) that is before the House of Representatives.

H.R. 3934, a bill which I cosponsored, would have added an area beginning 5,600 feet north of Johnsondale Bridge on the North Fork of the Kern to the Wild and Scenic Rivers System. That is the only area H.R. 3934 affected. H.R. 3934 did not put the South Fork or a stretch of the North Fork between a point north of Johnsondale Bridge and the Tulare-Kern County line into the Wild and Scenic Rivers System.

The bill before the House, H.R. 4350, is a significantly different bill. H.R. 4530 would also make the North Fork above Johnsondale Bridge part of the Wild and Scenic Rivers System. In addition, H.R. 4350 would include the South Fork and the stretch of the North Fork from the vicinity of Johnsondale Bridge to the Tulare-Kern County line in the Wild and Scenic Rivers System. I did not support these changes. I oppose H.R. 4350; it is not the bill I cosponsored.

Mr. LAGOMARSINO. Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 4350, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

UNIVERSITY OF LOUISVILLE FIGHTING CARDINALS WIN COLLEGE BASKETBALL NATIONAL CHAMPIONSHIP

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MAZZOLI. Mr. Speaker, along with the Kentucky Derby, a trip to the NCAA Final Four basketball championships is becoming another rite of spring for the University of Louisville and its legions of loyal fans.

That rite was celebrated on Monday, March 31, before a capacity crowd in Reunion Arena in Dallas, TX, as the University of Louisville Fighting Cardinals won college basketball's national championship.

The Cards claimed that honor in a hard-fought, tense, emotion-draining duel against a Duke University team previously ranked No. 1 in the Nation.

This victory marks the second national championship for the University of Louisville, the first school to repeat as champion in the decade of the 1980's.

Coach Denny Crum and his able staff, in their customary fashion, assembled for the 1985-86 season a fine group of talented young athletes, blending experience and youth, size and speed. But, most of all, the group had discipline, determination, and devotion to their coaches, their school, and to the game.

This recipe produced another national title for the "Fighting Cardinals."

Those of us who have followed the Cards over the years know the tradition of excellence that has characterized U. of L. basketball under coaches Peck Hickman and John Dromo, but this tradition has been enhanced further under Coach Crum. Six trips to the Final Four under Coach Crum—four in the last 7 years—are convincing evidence to the strength of his coaching talents.

As they seem to do each season, the "Cardiac Cards" start slowly but turn into stretch-running thoroughbreds when tournament time arrives. This year, playing one of the most competitive schedules in the country, the Cards began their stretch drive early. The team jelled and was able, time and again, to rise to the occasion, winning at one point 21 of 22 games—the last 17 in a row—to finish the season 32-7.

Led by a corps of experienced seniors in Milt Wagner, Billy Thompson, and Jeff Hall, the Cards success was a result of exceptional balance and team play. Freshman "Never Nervous" Pervis Ellison, named Most Valuable Player of the Final Four, was a stalwart performer who showed remarkable poise all year. Sophomore Herbert Crook contributed yeoman-like efforts all through the campaign. And, when the need arose, there were always players who came off the bench to pick up the team with clutch performances.

As a native Louisvillian and an alumnus of the University of Louisville's Law School, I take special pride and gratification in representing this great university and its excellent basketball team.

Many congratulations to the University of Louisville for a job well done. These young men have provided us a marvelous winter of enjoyment and allowed us to share the exhilaration of their triumphs and the memories of this championship season.

We, of the Kentucky congressional delegation, are justly proud of our national champion Louisville Cardinals, and we invite Members to meet the Cardinals and their esteemed and greatly successful coach, Denny Crum, at a reception in S-207 (the Mansfield Room) in the Capitol, on Wednesday, April 16, from 3 to 5 p.m.

I am inserting at this point in the RECORD the Cardinals' NCAA Tournament record and the player and staff roster of this outstanding team.

NCAA Tournament

Louisville	93
Drexel	73
Louisville	82
Bradley	68
Louisville	94
North Carolina	79
Louisville	84
Auburn	76
Louisville	88
LSU	77
Louisville	72
Duke	69

Players

Mike Abram, Pervis Ellison, Tony Kimbro, Mark McSwain, Kenny Payne, Billy Thompson, Milt Wagner, Chris West, Herbert Crook, Jeff Hall, Avery Marshall, Will Olliges, David Robinson, Robbie Valentine, Kevin Walls, Keith Williams.

Coaches

Denny Crum, head coach.
Bobby Dotson, assistant coach.
Wade Houston, assistant coach.
Jerry Jones, assistant coach.

University President

Dr. Donald C. Swain.

Staff

Bill Olsen, athletic director.
Jerry May, trainer.
Dr. Rudy Ellis, team physician.
Jeff Witt, Manager.
Faculty representative, Burt L. Monroe, Jr.
Kenny Klein, sports information director.
Nancy Allison, associate SID.
Kathy Tronzo, secretary.
Jeff Schneider, intern.
Marty Bailen, intern.

COST-EFFECTIVE PLAN TO RESTRUCTURE THE DEBT OF THE FARM CREDIT SYSTEM

(Mr. THOMAS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. THOMAS of Georgia. Mr. Speaker, I am today introducing a concurrent resolution expressing the sense of the Congress regarding a cost-effective plan to restructure the debt to the Farm Credit System.

This resolution is designed to encourage an attitude of common sense and forbearance to the actions of the Farm Credit System, instead of the policy of foreclosure that is cutting at the heart of American agriculture, and rural America in general. The impact of the proposals of the resolution would be to put the outstanding loans of the System on a more solid foundation, and ultimately to reduce the prospect of losses to the System and its borrowers.

Last year, thousands of farmers and ranchers throughout the Nation were forced into bankruptcy and foreclosure under the procedures of the Farm Credit System, the Nation's largest agricultural lender. In the process, the system lost an unprecedented $2.7 billion.

Each day, the situation grows worse as more and more of our very best farmers lose the land that they love and have labored on for many years or even many generations. Our national agricultural base is shrinking, and the Farm Credit System itself is threatened with devastation and the prospect of a Federal bailout.

This concurrent resolution is identical to Senate Concurrent Resolution 122, introduced by Senators NICKLES and GRASSLEY last month.

The resolution expresses the sense of Congress that the Farm Credit System should:

One, facilitate and participate in an agricultural loan restructuring program. Two, classify restructured loans as performing loans as long as payments on the restructured loans are being made. Three, permit multiyear amortization of loan losses. Four, compare the cost of foreclosure and the cost of forbearance, and utilize forbearance if it is less costly. Five, consider the use of two-tiered loan restructuring as a viable alternative to farm foreclosures wherever feasible.

The heart of the measure relates to the provision that if the costs associated with foreclosure equal or exceed the cost of restructuring a loan, the the Farm Credit System is encouraged to consider restructuring. When considering restructuring alternatives, the Farm Credit System is encouraged to consider the use of a restructuring program recently proposed by the American Farm Bureau Federation, known as a two-tier debt restructuring program.

Under this approach, portions of the farm debt a borrower can service under existing terms would be placed in the first tier. Debt the borrower is unable to fully service is placed in the second tier. No principal payments would be made on second tier debt while a reduced interest could be charged. As debt in the first tier is payed off, portions of the second tier debt would be transferred to the first tier, keeping its balance constant.

Mr. Speaker, this proposal has one simple objective and one simple impact—it would reduce the number of foreclosures and it would reduce the

losses to the Farm Credit System, and potentially, the losses to the taxpayer.

Mr. Speaker, I include the text of the resolution for the information of my colleagues.

The text of the resolution follows:

H. CON. RES. 310

Concurrent resolution to express the sense of Congress with respect to agricultural loan restructuring

Resolved by the House (the Senate concurring), That it is the sense of the Congress that—

(1) the Farm Credit Administration and its associated agencies and lending institutions should take additional regulatory and administrative actions immediately to help alleviate the unusual financial situation facing many thousands of agricultural producers and farm lenders by providing additional time to resolve these problems in the agricultural sector, recognizing that such actions may be in the best interests of both the Farm Credit System and the borrower when there is a reasonable prospect that the borrowers will eventually be able to repay the loan;

(2) the Farm Credit Administration and its associated agencies and lending institutions should—

(A) facilitate and participate in agricultural loan restructuring programs;

(B) classify restructured loans as performing, provided the payments, as restructured, are being made; and

(C) permit, to the extent feasible, the multiyear amortization of agricultural loan losses;

(3) before instituting a proceeding to foreclose a loan made to a borrower, the Farm Credit System and its associated institutions and agencies should determine—

(A) the cost of foreclosure; and

(B) the cost of restructuring the loan, using a two-tier or other system of forbearance;

(4) if the Farm Credit System or any of its associated institutions or agencies determine that the cost of foreclosure of a loan made to a borrower is equal to or exceeds the cost of restructuring the loan, the System should utilize restructuring rather than foreclosure. Such restructuring should include consideration of the use of a two-tier loan structure which is based on the borrower's ability to pay and under which—

(A) there would be a reduced interest rate applicable to the second tier of debt, containing the portion of debt the borrower is unable to fully service;

(B) portions of the outstanding principal balance in the second tier of debt are periodically reassigned to the first tier, containing the serviceable debt, so that the outstanding principal balance in the first tier remains constant; and

(C) an agreement that, during the period of the restructuring, all debt incurred beyond normal operating expenses would be subordinated to the restructured debt.

FROM LIBERTY'S VIEW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 5 minutes.

Mr. KLECZKA. Mr. Speaker, it is the inexorable fate of us all that we cannot serve in positions of leadership forever. As generations before us have done, our mortality requires us to prepare our youth for the responsibilities, challenges, and inevitability of succession to leadership.

With this in mind, I am proud to commend to my colleagues the following essay written by a future leader who resides in my district: Mr. Christian Tentoni. Chris is a 10-year-old fourth grader attending Jefferson School in West Allis. His essay, "From Liberty's View," is a work of extraordinary perception and outstanding writing for someone so young. It reflects proudly on his parents, his school, and his community, and it reassures all of us that the future leadership of this great Nation will be left in good hands with people like Chris among our successors. The text of the essay follows:

FROM LIBERTY'S VIEW

(As Told To Christian T. Tentoni)

I am having a birthday this summer. I will be 100 years old. It feels like it was yesterday that they took me to Liberty Island. I was a present to America. Some people think I am just a statue and have no job. My job is very important. I have seen many things in my life.

I was hardly put in place on Liberty Island when people started coming to America to be free. I watched them come here on ships. I saw them carry everything they owned to come here. They all had dreams about how wonderful America would be. They were excited to see me. I could hear them speak to each other in their own languages. They never knew that I was watching them too. The new people were hard workers and helped make our country great. They all studied to be Americans. I was happy that the new people came here to make new lives.

There were sad times. I was sad when I saw America's young boys line up on ships to fight in World War I. They left America as boys and came back as men. Many men died in the war and many more were injured. I cried inside for the men who did not come home. Nobody saw me cry because I had to be strong. Those men fought for me. Those coming home cheered when they saw me from their ships.

I watched America's young boys do it all over again in World War II. These boys had to become men real fast. Many of these men were the children of the new people who came here when I did. Some of these men fought for me in World War I. They wanted to fight for their new country. They wanted to fight for freedom. I still lost many more of my children.

There were two more wars in countries near China. I lost more children who died or are still missing. These boys were grandchildren to the people who came here when I did. They believed in me and fought to help other countries become free. I must stay here for them.

The years I have been outside have made me weak. Parts of me were falling apart. I started to think that nobody cared about me anymore. Many of you remembered me and sent men to fix me. I want to look good for my birthday. I still have my job to do. The workers will finish fixing me soon. People gave money to get me repaired. They forget the children who gave their lives to keep all Americans free. I will keep waiting for them with my new torch lit. I will not forget.

$42 MILLION MORE FOR CONGRESSIONAL MAILING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Mr. Speaker, within the next few days, the House is going to be taking up a supplemental appropriations bill. In other words, once again we are going to have add-on spending over and above that which we have committed ourselves to in appropriations bills that were passed last year. Once again we go through the budget-busting that Congress has become so famous for and has resulted in us overspending the last 5 years' budgets by a total of $160 billion.

When we want to know where deficits come, from, they come from right here. Congress votes for them by voting in spending over and above that which we budgeted for year after year after year. We are the cause of deficits.

We have a supplemental appropriation that will be out here in the next few days that will be another add-on to deficits and there is one particular provision of that which I think the American people are particularly interested in and that we ought to deal with, and that is an amendment to spending within the supplemental that would add $42 million for mailing costs for the Congress. In other words, we are saying that we want to spend another $42 million over and above that which was previously appropriated to allow ourselves to do mailings out to the country.

At a time when we are attempting to do something about controlling Federal deficits, the very least we might be able to do around here is control our own mailing expenses. Let us understand that Congress did not exactly underfund mailing to begin with. We funded $95 million worth of spending originally in the bill. Actually, we had $100 million of spending in the bill in the last session of Congress, but then when Gramm-Rudman came in that was cut back by about $5 million, so we ended up with a little bit better than $95 million of mailing expenses that Congress can incur.

Let us understand how much money that is. That means for every Member of the House and the other body, there is $175,000 for mailing. That means that if here in the House if we mailed all six newsletters that we are allowed each year, and not all of us mail six newsletters, but if we did mail all six we would spend $102,000 of that $175,000. That still would leave $73,000 for mailing. Most people would think that you could probably get through the year spending $73,000 over and above that which you spent for your newsletter, because what that means is, that is 292,000 pieces of first-

class mail that every Member of this body could send out. That amounts to 1,500 pieces of mail every working day that Members of Congress can send out of their offices.

It seems to me that that is plenty of money, and yet we are going to come back here, probably some time next week, with a proposal to spend $42 million more for mail; in other words, to have about $95,000 more for every Member of this body to spend on mail in the next few months.

I think that is an outrage, and I think the very least that we ought to be doing is spending only the money that we originally appropriated for mailing expenses in this particular year. We can live with what we have and we ought to live with what we have.

Therefore, I will be offering an amendment when that supplemental appropriation comes to the floor to strike the entire $42 million in spending that is in that bill for additional franking expenses. I am going to go to the Committee on Rules and I am going to try to make certain that that amendment will be in order when it comes to the floor, and I want to take this time this afternoon to assure the Members of this body that when that amendment is offered on the floor and after it is debated on the floor that we will, in fact, be voting on that particular amendment. I think it is entirely appropriate that the American people should know who among us will stand up and say, "Let us get along with what we originally appropriated for mailing expenses; let us not add $42 million more to the deficit of the country."

□ 1355

UNIFORM HEALTH-CARE INFORMATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. ENGLISH] is recognized for 5 minutes.

Mr. ENGLISH. Mr. Speaker, the National Conference of Commissioners on Uniform State Laws recently approved and recommended for enactment by the States a Uniform Health-Care Information Act. This is a significant accomplishment, and I want to call it to the attention of my colleagues and the States that will be asked to consider this proposal.

The recent history of efforts to provide legislative protection for medical records dates back to the 1977 report of the Privacy Protection Study Commission. The Privacy Commission, which was established under the Privacy Act of 1974, found that the control over information in medical records once exercised by medical care providers has been greatly diluted as a result of developments within the medical profession, Government, and elsewhere. The Commission recommended that Federal legislation be enacted to protect medical record privacy.

In April 1979, President Jimmy Carter endorsed that recommendation. President Carter stated that threats to personal privacy inherent in modern information practices are not the product of any plan to invade the privacy of individuals. Information systems have developed naturally with the growth of the economy, the expansion of public and private institutions, the mobility of citizens, and the development of computers. As essential as these facilities are, President Carter warned that they can be misused to create a dangerously intrusive society.

Bills to implement the recommendations of the Privacy Protection Study Commission were considered during the 96th Congress in both the House and the Senate. Committees in both Houses reported out similar bills. While there appeared to be general agreement on the inadequacy of existing guidance on the proper use of medical records, the legislation failed to be enacted. One of the main arguments used against Federal legislation was that regulation of medical records practices should be left to the States.

This is one reason why the new proposal of the National Conference of Commissioners on Uniform State Laws is so important. Medical records will not acquire the needed protections unless the States take action to pass comprehensive laws regulating the record keeping practices of health-care providers. Laws enacted many years ago providing a privilege for medical information are woefully inadequate in today's computerized society. Only a few States have modern laws that adequately address the medical record keeping problems that confront today's physicians and patients.

The proposed Uniform State law includes all of the basic elements of a privacy law. The proposal would regulate the disclosure of health-care information by health-care providers, both with and without the consent of the patient; provide rules allowing patients to examine, copy, and correct records; require health-care providers to notify patients of information practices; and include both civil and criminal sanctions for violations of privacy protections.

It is not an easy task to write privacy laws because there are so many different interests that must be balanced. I congratulate the committee that prepared the Uniform Health-Care Information Act for doing such a fine job. The committee was chaired by K. King Burnett of Salisbury, MD. The reporters for the committee were Robert R. Belair, Washington, DC, and Alan R. Bennett, Washington, DC. Members of the committee were Harvey Bartle III, Philadelphia, PA; Geoffrey D. Cant, Annapolis, MD; Timothy J. Cronin, Jr., Boston, MA; Michael Franck, Lansing, MI; Charles W. Joiner, Ann Arbor, MI; John W. Wagster, Nashville, TN; William H. Wood, Harrisburg, PA; Carlyle C. Ring, Jr., Alexandria, VA; Phillip Carroll, Little Rock, AR; William J. Pierce, Ann Arbor, MI; and Elmer R. Oettinger, Chapel Hill, NC.

Copies of the proposed legislation are available from the National Conference of Commissioners on Uniform State Laws, 645 North Michigan Avenue, Suite 510, Chicago, IL 60611.

GREEK INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, Greek Independence Day has a special meaning for Greek-Americans in this country, for 165 years ago, on March 25, 1821, Greek patriots raised the flag of revolt and began a series of uprisings against their Turkish oppressors.

This flag of revolt was blessed by Bishop Germanos of Palaeion Patron, at the monastery of Aghia Lavra, and was followed by 7 years of fierce fighing during which a handful of rebels were able to contain the combined forces of the Sultan's Ottoman Empire. These Greek patriots fought courageously and valiantly against the might of the Turks and for the victories they were able to obtain they suffered many losses and endured much tragedy.

The confrontations at Valtetsi, Dervenaia, as well as Missolonghi, where Lord Byron fought and died, rank among the most glorious pages of Greek history, and the exploits of the Greek Navy, under Miaoulis, Kanaris, and Sachtouris, inspired the peoples of Europe, who finally brought pressure upon their governments to intervene in the fight and compel the Sultan to recognize Greek independence.

In the United States feelings ran high in support of the Greeks. John Adams remarked:

My old imagination is kindling into a kind of missionary enthusiasm for the cause of the Greeks.

Also, in an address to Congress, President Monroe expressed the feelings of the United States when he said:

Genius and delicacy in the arts, daring and heroism in action, unselfish patriotism, enthusiastic zeal, and devotion to public and private liberty, all these are connected with the name of ancient Greece. It is natural, therefore, that their contest should arouse the sympathy of the entire United States.

On October 20, 1827, at the battle of Navarino, the Turkish fleet was finally defeated and destroyed by the combined elements of the British, French, and Russian navies. This victory gave the Greeks additional incentives in their fight against Turkish oppression, and on September 14, after many centuries of foreign rule, freedom for the Greeks was regained by the Treaty of Adrianople of 1829 and later by the London Protocol of 1830.

Mr. Speaker, the idea of democracy, born in ancient Greece over 2,000 years ago, has prevailed and has inspired other nations in their struggle against persecution. The contributions made and still being made to the growth and greatness of the United States by Greeks who have chosen to make their home in our country continue, and it is a pleasure to extend greetings to Greek-Americans in the 11th Congressional District of Illinois which I am honored to represent, and Americans of Greek descent all across our Nation, on the occasion of Greek Independence Day. Let us celebrate the precious heritage of freedom our two countries have shared in the century and a half of genuine friendship between the people of America and the people of Greece.

RESIGNATION OF RUSSELL ROURKE AS SECRETARY OF THE AIR FORCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I was disappointed to learn today that Russell Rourke has resigned as Secretary of the Air Force. I have known Russ Rourke for a number of years and can tell you that he will be missed by the Department of Defense.

Though he was Air Force Secretary for only a short time, Russ has dedicated a great part of his life to the military and to the service of this country. He was assistant secretary of defense for legislative affairs and was a great help to me in that capacity. Russ has a vast knowledge of defense issues and he knows how things work here on Capitol Hill. That is why he has been so effective in his dealings with Congress.

Russ Rourke is a great American and a good friend. I am sorry to see him leave Government service. He has made significant contributions in the effort to improve our national defense. He will be missed.

TRUTH IN NEGOTIATIONS AMENDMENTS OF 1986

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. SPRATT] is recognized for 30 minutes.

Mr. SPRATT. Mr. Speaker, I am today introducing legislation to enhance the effectiveness of the Truth in Negotiations Act of 1962.

The Truth in Negotiations Act [TINA] was designed to prevent firms from reaping excessive profits on contracts with the Department of Defense, by providing Government negotiators with accurate up-to-date information on contract proposals. However, a series of court decisions over the past decade has limited the act's applicability and frustrated its original intent. This bill will correct those decisions and restore the act as the Government's most effective weapon against excess profits on defense contracts.

The Truth in Negotiations Act was passed in the wake of several General Accounting Office reports which disclosed that defense contractors were making excessive profits on negotiated, sole-source contracts. Sole-source contractors often have a monopoly on plant and equipment and technical know-how, and also on production cost data. Without competition, and without legal access to current cost data, the Government had to rely before TINA on good faith negotiations with the contractor to ensure the lowest possible price.

Contractors had little incentive to disclose the most accurate, current, and complete information concerning contract prices. In many cases, such cost data would have indicated that the contractors would actually incur lower material, labor and other costs than they were using to support their contract pricing proposals. As a result, negotiated prices were often too high and contractors' profits were in some cases excessive.

The Truth in Negotiations Act was designed to give the Government the same cost data the contractor uses when negotiating contracts. To some extent, it was to be a substitute for competition on these contracts. The law requires contractors to submit a certified statement of current, accurate, and complete cost data on contract proposals valued at more than $100,000. It also authorizes the Government to audit the records of these contractors to find out whether they possessed, but failed to submit, better and more accurate cost and pricing data. Under the law, procurement officials can reduce the contract price or recover overpayments when they find that overstated cost data was submitted to support a contract offer.

During the last 10 years, decisions made by the Armed Services Board of Contract Appeals [ASBCA] have weakened the effect of the Truth in Negotiations Act.

In one case (Whittaker Corporation, ASBCA No. 17267, 74-2 BCA 10,938), ASBCA denied a refund under the Truth in Negotiations Act by requiring the Government to prove it had no knowledge of the accurate data. The ASBCA stated that the Government's burden of proof is not satisfied merely by showing that disclosure was not made during negotiations. The Government bears the added burden of proving the disclosure was not made to other Government personnel prior to the negotiations.

In another decision (Universal Restoration, Inc., ASBCA No. 22833, 82-1 BCA 15,762), ASBCA found that a contract is not subject to price adjustment if the contractor failed to disclose all cost information, when the Government should have known the data was not disclosed. In this particular case, the Board concluded that Government officials should have known that if quantity purchased was increased, the contractor's overhead rate per unit of output would decline.

Other decisions allow a contractor who has violated the Truth in Negotiations Act to escape the act's consequences because of the sole-source nature of the procurement, the superior bargaining position held by a contractor, or the "bottom-line" form of negotiation. For example, the Board decided in one case (American Machine & Foundry Company, ASBCA No. 15037, 74-1 BCA 10,409) that the contractor's failure to disclose pricing data may not have caused an increase in price because of the firm's superior bargaining position. This decision adds another complication to enforcing TINA, which the text of the statute does not call for and legislative intent does not support.

Another decision by the Court of Claims (*Cutler-Hammer, Inc.* v. *U.S.*, 416 F.2d 1306 (Ct.Cl. 1969)) concluded that price reduction required by overstatement of some costs could be offset by underestimates of other costs. There is no indication in the statute that Congress intended to allow offsets to defective pricing submissions. Moreover, TINA imposes on the contractor a duty to develop current, accurate and complete cost data, on which the Government can rely. By allowing the contractor an offset for underestimated costs, the court has lessened the contractor's duty to certify accurately and reliably its estimated costs. These and similar decisions have reduced the act's effect and made it much more difficult for Government negotiators to obtain fair and reasonable prices on contracts.

Exceptions created by the case law also discouraged Government officials from pursuing defective pricing cases. Until recent prodding from Congress and the Department of Defense Inspector General, the Defense Contract Auditing Agency [DCAA] gave low priority to conducting defective pricing audits. Less than 5 percent of DCAA's resources were devoted to such audits. Furthermore, procurement officers have often settled defective pricing cases for as little as 10 to 20 cents on each dollars of inaccurate data uncovered by DCAA.

Until last year, the Truth in Negotiations Act did not contain incentives to encourage contractors to settle defective pricing cases in a timely manner or to discourage them from submitting incomplete or inaccurate contract proposals. Contractors who submitted defective pricing data in support of a contract have often been paid many months or years before the contracting officers are able to settle their cases.

As a consequence, contractors who submit defective pricing data have long-term use of the taxpayers' money, and until recently, paid no interest for the use of that money or penalties for submitting defective pricing data. Clearly, contractors had every incentive not to settle cases. For example, the Senate Governmental Affairs Committee uncovered one case in which a contractor agreed that it owed the Government $2 million in overcharges and yet it took almost 3 years to reach a final payment settlement. The contractor paid no fines or interest charges during the time before the case was resolved.

This situation changed with the enactment of the Defense Procurement Improvement Act of 1985 (title IX of the Department of Defense Authorization Act, 1986). Section 934 of this act makes contractors who receive overpayments resulting from defective pricing data liable for interest on the amount of such overpayment. Interest charges are incurred from the date of the overpayment to the contractor to the date the Government is repaid. This section also provides that if the contractor knowingly submitted inaccurate, incomplete, or noncurrent data, he must also pay a penalty equal to the amount of the overpayment.

The bill I offer today would codify this currently free-standing provision into the Truth in Negotiations Act in United States Code, title 10, section 2306.

In addition, my bill would:

Eliminate offsets when the contractor underpriced a portion of his proposal;

Require cost and pricing data to be provided only to the contracting officer or his negotiating representative; and

Exclude the following defenses for submission of defective pricing data:

The price would not have been modified because the contractor was in a sole-source bargaining position;

The price would not have been modified because the contractor was in a superior bargaining position;

The contracting officer should have known the data submitted were defective;

The contract was for sale to a foreign government;

The subcontractor furnished cost data after the conclusion of an agreement;

The contracting officer negotiated only the bottom line (total cost) of the contract; and

The prime contractor or subcontractor did not prepare and submit a certificate as required under the act.

These minor changes will enhance the effectiveness of the Truth in Negotiations Act. The amendments are supported by the DOD Inspector General and received a thorough hearing before the Senate Committee on Governmental Affairs. The House Armed Services Panel on Acquisition Policy, of which I am a member, is scheduled to hold hearings on these changes to TINA next week.

Although this bill would add to the use of TINA, it could reduce the need for bureaucratic oversight by making it unnecessary to reestablish the Renegotiations Board, which Congress terminated in 1979. In the opinion of the DOD Inspector General, a strengthened Truth in Negotiations Act, supported by good defective pricing audits, would be much more effective in eliminating excessive profits than any of the renegotiation proposals.

For these reasons, I urge my colleagues to join me in supporting this bill.

EMERGENCY ASSISTANCE FOR DEPOSITORY INSTITUTIONS AMENDMENTS OF 1986

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LAFALCE] is recognized for 20 minutes.

Mr. LAFALCE. Mr. Speaker, today I am introducing legislation that represents an important and necessary step in our continuing efforts to resolve the serious financial problems facing many members of our Nation's thrift industry and certain sectors of the banking industry as well.

The changing economic environment of the 1980's has caused many financial institutions to experience serious, and sometimes irreperable, financial difficulties. In response to these problems and the concerns of bank and thrift regulators, Congress enacted the Garn-St Germain Depository Institutions Act of 1982. That legislation authorized, on a temporary basis, the FDIC and the FSLIC to permit interstate acquisitions of failing thrift institutions and failed banks by other healthy financial institutions. It also authorized the FDIC and FSLIC to purchase net worth certificates from ailing thrift institutions in order to bolster their net worth and allow thrifts time to restructure their financial portfolios and return to profitability.

Both the emergency acquisition procedures and Net Worth Certificate Program authorized by the Garn-St Germain Act are due to expire on April 15, 1986. Unless these vital provisions are renewed by Congress, the FDIC and the FHLBB will lose two absolutely essential tools that enable them to deal more effectively with troubled financial institutions so as to minimize the costs both to their deposit insurance funds and to the communities in which those troubled financial institutions are located.

Mr. Speaker, the bill I am introducing today would extend for 3 additional years the existing Net Worth Certificate Program with one technical change. It would also amend aspects of the emergency acquisition procedures enacted by the Garn-St Germain Act and would make the emergency acquisition procedures permanent, with the exception of a special procedure for agricultural banks which would sunset 3 years after enactment.

The existing Net Worth Certificate Program partially offsets a thrift institution's losses and is designed to bolster its net worth. The program works as follows: A thrift approved to participate in the program gives its insuring agency—either the FDIC in the case of a savings bank or FSLIC in the case of a savings and loan association—a capital instrument called a "net worth certificate." In return, the insuring agency gives the thrift a promissory note for the same amount. The exchange of a promissory note and a net worth certificate is similar to the idea of raising new capital through the sale of stock. If the thrift eventually fails and is liquidated, the promissory note from the regulator is available as an asset to satisfy the claims of creditors.

Mr. Speaker, it is essential that Congress act to extend the Net Worth Certificate Program for an additional 3 years. Both the FDIC and the FHLBB, as well as thrift industry representatives, have recommended extension of this valuable program. One of the principal benefits of the program is that it provides the FDIC and FSLIC with increased flexibility in dealing with troubled thrift institutions so that they do not have to immediately close a failing thrift or arrange for a fire sale of a troubled institution.

Moreover, the Net Worth Program has the added advantage in these times of budget austerity and strains on our deposit insurance funds of not requiring any immediate cash outlays by the regulators since no cash is involved in a net worth transaction unless a participating institution is actually liquidated. As of this date, neither the FDIC nor FSLIC have had to cash out any outstanding net worth certificates. In sum, the Net Worth Program provides weakened thrifts with an essential commodity they need to restructure their operations for survival in a changing, deregulated banking environment, and that commodity is time. It also provides regulators increased flexibility over the short run in order for them to arrange for longer term solutions to thrift industry problems.

In July of 1985, the GAO issued a report which may have cast some doubt on the effectiveness of the Net Worth Certificate Program. In particular, the GAO report pointed out that thrift institutions that are receiving net worth certificates continued to lose money in 1984 while the rest of the thrift industry had begun to show a slight profit.

In my view, it is not surprising that thrift institutions that were troubled enough to qualify for net worth certificates should still be showing losses in 1984, only 2 years after the Net Worth Program was enacted into law, and even less time after FSLIC and the FDIC had established the administration of their programs and approved applications for net worth certificates. Moreover, the figures for the first three quarters of 1985 provide heartening news about thrifts in the Net Worth Program. During the first quarter of 1985, 34 percent of the net worth certificate institutions were making a profit. By the second quarter, a full 59 percent were profitable. By the third quarter, 60 percent of the net worth certificate thrifts were making a profit. In sum, there is evidence that the Net Worth Program is working and that it has the potential to help ailing thrifts work through their problems and return to profitability.

In light of these facts, it simply does not make sense for Congress to allow the Net Worth Certificate Program to expire. If interest rates increase sharply in the future, the Net Worth Program is an inexpensive way of helping the thrift industry manage during a period of high interest rates. If the Net Worth Program expires, the thrift regulators would be left without a valuable tool which enables them to postpone—and quite probably avoid—more drastic and costly measures to help ailing thrifts. In conclusion, Mr. Speaker, it is very important that Congress act quickly to renew the Net Worth Certificate Program. The program provides many important benefits to thrifts and regulators, and it is a solution that requires no initial cash outlays. In addition, it does not reduce the regulators' authority and flexibility in disposing of problem thrifts if the opportunity to do so exists. Rather, it provides the regulators with a vehicle to temporarily postpone immediate and costly measures to help ailing thrifts.

My bill would make one change in the statutory definition of a thrift qualified to receive net worth certificates. Specifically, under current law, a thrift with low net worth must have incurred losses for two consecutive quarters in order to be eligible for net worth certificates. My bill would continue these existing eligibility requirements, except that it would provide that the determination of a thrift's losses in determining eligibility for net worth certificates should be made without taking into account extraordinary or unusual transactions by a thrift that may give it a temporary paper profit for one quarter. This change is necessary to enable thrifts that engage in one-time transactions for liquidity purposes to still qualify for net worth certificates since their underlying financial condition has not actually improved.

The other provisions of my bill would amend the emergency acquisition procedures of the Garn-St Germain Act with the goal of encouraging more healthy financial institutions to acquire problem banks and thrifts. Amending existing law to promote such acquisitions is a most cost-effective way of infusing essential capital into troubled financial institutions. Moreover, it is a solution that has been advocated by every Federal bank and thrift regulator in recent testimony before the House Banking Committee on ways to solve the financial problems affecting our financial institutions.

Existing law—which expires on April 15, 1986—contains a number of requirements which impose unnecessary and burdensome requirements which have had the unintended effect of discouraging acquisitions of troubled financial institutions. The first of these, which is one of the most burdensome for bank and

thrift regulators, is the so-called required bidding order that regulators must follow before they may approve acquisitions of failing thrifts and failed banks under the Garn-St Germain Act's emergency acquisition procedures. Under the required bidding order, FSLIC and the FDIC are required to approve bids for ailing thrifts and banks using the following priorities: First, depository institutions of the same type in the same State; second, institutions of the same type in different States; third, institutions of different types in the same State; fourth, institutions of different types in different States. Also, if the qualified offer presenting the lowest expense to FSLIC or the FDIC is from an institution that is not an instate institution of the same type as the financially ailing bank or thrift, the regulators are required to solicit additional offers from any such instate offeror whose original bid was within 15 percent or $15 million, whichever is less, of the initial lowest acceptable offer.

As I mentioned above, both the FHLBB and the FDIC have advocated the elimination of these required bidding priorities established by the Garn-St Germain Act. Eliminating these mandated bidding preferences will increase the regulators' flexibility to negotiate emergency acquisitions of thrifts and banks and will result in at least two concrete benefits. First, it will allow more creative solutions to the problems of troubled financial institutions, which will benefit the regulators both administratively and financially. Second, it will encourage qualified and much needed capital sources, both instate and out of state, to participate more actively and at an earlier stage in the restructuring of troubled institutions.

In recent testimony before the Financial Institutions Subcommittee of the House Banking Committee, the FHLBB noted that the Garn-St Germain Act's required bidding and rebidding process contains a clear bias against out-of-state bidders which often discourages them from participating in bidding conferences at all. Discouraging a large block of financial institutions from participating in such bidding conferences precludes many potential offers presenting the lowest expense to FSLIC. These arguments apply equally to the FDIC, which must use the same bidding process when arranging emergency acquisitions of failed banks and failing thrifts under its jurisdiction. Again, these four-tiered bidding priorities have perhaps had the unintended effect of slowing down the process of eliciting the best possible bids—or even any bids—for financially troubled thrifts and banks at the earliest possible time. Such dilatory and discouraging requirements are the last things Congress should continue to burden the regulators with during a time when they need to act as quickly as possible to find creative and workable solutions for ailing banks and thrifts.

A number of other requirements of the Garn-St Germain Act's emergency acquisition procedures have also had the effect of discouraging acquisitions of problem depository institutions by healthy ones, thereby contributing significantly to the costs FSLIC and the FDIC must assume in dealing with ailing institutions. First, existing law permits acquisitions of banks under the emergency acquisition procedures only if they have assets of $500 million or more and if they are already closed.

According to figures available from the FDIC, as of December 31, 1984, there were only 484 banks and trust companies out of a total of 14,496 in this country with assets of $500 million or more. This means that 14,012 banks and trust companies, many of which are located in small communities without many banking alternatives, are completely excluded from the existing emergency acquisition procedures of the Garn-St Germain Act. Not allowing most of our banks to be acquired through emergency acquisition procedures results in signficantly higher costs to FDIC in dealing with failed and failing banks. In addition, permitting banks to fail, rather than arranging for their acquisition by other financially viable institutions, can cause devestating effects to communities served by the failed banks. These secondary effects of bank failures include business contraction in a community, unemployment, and the loss of banking services.

Another serious problem with the existing emergency acquisition provisions is that they only permit acquisitions of banks after they have actually closed. No less costly acquisition can be arranged by the FDIC when a bank is in imminent danger of closing, but has not yet closed.

Due in large part to the extremely restrictive nature of the Garn-St Germain emergency acquisition procedures for banks, only one interstate acquisition of a bank has been arranged under the emergency acquisition provisions since they were enacted in 1982. As we all know, there have been many more than a single bank failure since 1982. In 1985 alone, 118 insured commercial banks failed.

Mr. Speaker, to address these serious deficiencies in existing law which have had the unintended effect of contributing to the financial drain on the FDIC's resources and disrupting local communities, my bill would amend existing law to permit emergency acquisitions of banks that are either in danger of closing or closed and would lower the asset threshold level for ailing bank acquisitions from $500 million to $100 million. Both these essential changes will permit bank regulators more flexibility to arrange for less costly acquisitions of failing banks by healthy financial institutions.

Nowhere are banking industry's problems currently felt more urgently than by banks that lend primarily to the energy and agricultural sectors of our economy. Over the past several months, the economics of the world's energy markets have changed radically. The spot price for west Texas intermediate crude oil has fallen from $31 a barrel to about $12 a barrel today. These declines in oil prices have already begun to cause significant problems for many banks located in oil and gas producing States. Although the extent of these problems cannot yet be determined with precision, it is clear that the declining energy economy is having adverse effects on many industries that have ties to oil producers, including the banking industry. The changes my bill makes to the emergency bank acquisition provisions of the Garn-St Germain Act represent an important step in providing bank regulators with the additional flexibility they need to arrange for long-term solutions to the urgent problems which will be faced by many of our energy banks in the near future.

Another area in which a great many of our Nation's banks are experiencing severe financial difficulties is in the agricultural sector of our economy. The condition of many agricultural banks has seriously deteriorated due to their heavy concentration in farm lending and the growing credit quality problems in that sector.

As of mid-year 1985, there were about 3,900 agricultural banks—defined typically as a bank with 25 percent or more of its loan portfolio in agricultural loans—in our country. Most of them are located in the Midwestern States. These banks typically are very small, with average assets of only $28 million. Indeed, only seven agricultural banks had assets in excess of $200 million.

Moreover, according to a recent study by the FDIC on farm banks, the problems faced by our agricultural banks continue to grow more serious and are likely to worsen over the next 2 years. For example, the FDIC noted in its study that a full 23 percent of all farm debt may be in some near-term danger of liquidation, while another 22 percent is moving in that direction. According to the FDIC, agricultural bank failures as a percentage of total commercial bank failures have grown from 20 percent in 1982 to over 50 percent last year. While nonagricultural banks failed at about the same pace in 1985 as in 1984, agricultural bank failures increased significantly. In 1985, 62 of our country's agricultural banks failed with average assets of only about $21 million. Finally, the FDIC disclosed that, at yearend 1985, nearly 40 percent of problem commercial banks were agricultural banks, an increase from 24 percent only 2 years earlier.

Most indications are that farm bank problems will continue during 1986 and 1987. Estimates of additional losses on total farm loans under current conditions range from about $7 billion up to $20 billion over a 3- to 4-year period. Thus, it is likely that a substantial amount of losses have yet to be realized by farm banks. The FDIC estimates that agricultural bank failures could range from roughly 70 to 150 in 1986, and from 60 to 150 in 1987.

Something needs to be done to help these ailing farm banks and the communities they serve. While the Federal Reserve Board, the FDIC, and the OCC has recently initiated much-needed policies designed to ease the financial strains on agricultural banks and their borrowers through capital forbearance and the relaxation of reporting requirements for restructured debt, more needs to be done to help seriously ailing farm banks and their communities.

The existing Garn-St Germain Act emergency acquisition procedures virtually preclude emergency acquisition of agricultural banks since they are so small, with average assets of only about $28 million. Even under my bill, which would lower the threshold level for emergency bank acquisitions to $100 million, the vast majority of agricultural banks would be excluded from the general bank acquisition provision. For this reason, my bill would permit special treatment for emergency acquisition of agricultural banks on a temporary basis. Spe-

cifically, my bill would permit emergency acquisitions of agricultural banks without regard to their asset size for 3 years from the date of the bill's enactment. As is the case for all commercial banks under my bill, agricultural banks could be acquired if they were either "in danger of closing" or actually closed. These changes will encourage takeovers of problem agricultural banks by healthy financial institutions, reducing the adverse effects of farm bank problems and failures. Through such acquisitions, more communities will be able to retain their existing banking services, and the FDIC will have to become less involved in the financial affairs of farm communities.

Finally, my bill would amend the Garn-St Germain Act's emergency acquisition procedures to also encourage more acquisitions of problem thrift institutions by profitable depository institutions. Under current law, FSLIC may arrange acquisition of failed and failing thrifts if FSLIC also determines that a general situation exists throughout the thrift industry threatening the stability of FSLIC due to problems in a significant number of institutions.

My bill would change the existing requirements to permit emergency acquisitions of thrifts before they are in imminent danger of failing and without requiring a determination by FSLIC that general adverse conditions exist in the thrift industry as a whole. Specifically, under my bill, FSLIC could arrange an emergency thrift acquisition of a particular thrift that is either failed or danger of failing, or if FSLIC determines that severe financial conditions affecting that particular thrift pose a risk to the FSLIC insurance fund.

Mr. Speaker, both the thrift industry and its regulators have expressed their support for initiatives that will make acquisitions of problem thrift institutions more attractive to healthy financial institutions. One way to encourage such acquisitions is to permit thrift to be acquired before they are in such bad financial condition that they are in imminent danger of failing, as I am recommending. An added benefit of the change I am proposing is that it could potentially save FSLIC a great deal of money since arranging acquisitions is much less costly to FSLIC than is paying off depositors and trying to sell the assets of a failed thrift.

The change I am recommending is also a particularly timely one in light of information released in a recent GAO report indicating that nearly 1,300 out of 3,180 FSLIC-insured institutions were in a weakened condition when judged under conventional standards of financial strength. The assets of these institutions totaled approximately $433.3 billion, and they comprised a full 42.8 percent of the industry's total assets. While it is unlikely that all of these weakened thrifts will require financial assistance from FSLIC to resolve their problems, Chairman Gray of the FHLBB recently estimated that about 8 percent of FSLIC-insured institutions should be considered potential problem cases for FSLIC. In these times of severe strain on dwindling FSLIC reserves, it is absolutely essential that Congress act to provide FSLIC with the maximum flexibility it needs to arrange for resolutions of the problems faced by many of our thrift institutions. My bill would grant FSLIC such additional flexibility.

In conclusion, Mr. Speaker, I urge Congress to enact the legislation I have introduced today. The emergency acquisition powers of the Garn-St Germain Act of 1982 were enacted to grant industry regulators more avenues to cope with the incipient crises among depository institutions, particularly thrifts, that the country faced in 1982. Although the crisis has subsided somewhat in the thrift industry due in part to falling interest rates and portfolio restructuring, the problems faced by our Nation's agricultural and energy banks continue to mount. In addition, there are still many difficulties facing the thrift industry and its insurance funds. These continuing problems argue strongly for extension of the Garn-St Germain Act's Net Worth Certificate Program and for continuation of its emergency acquisition procedures with the modifications I have proposed to them. Only through the enactment of my legislation, permitting a more flexible acquisition policy for troubled banks and thrifts, can more bidders be found for these problem institutions. In these times of budget cutting and high deficits, it is not easy to find solutions to problems that cost the Government little or no money. My bill is just such a solution.

My bill does not contain a comprehensive solution to every problem facing financial institutions. Rather, it represents a step in the right direction toward solving these problems. The Federal regulators have taken some steps on their own to ameliorate the difficulties faced by agricultural banks, and I applaud these efforts. However, more still needs to be done. I look forward to working with the Federal regulators and other members of the House and Senate Banking Committees in order to enact meaningful reforms that will encourage infusions of capital by healthy financial institutions into those institutions that are experiencing financial difficulties.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Bartlett) to revise and extend their remarks and include extraneous material:)

Mr. Gingrich, for 60 minutes today.
Mr. Walker, for 5 minutes today.

(The following Members (at the request of Mr. VENTO) to revise and extend their remarks and include extraneous material:)

Mr. KLECZKA, for 5 minutes today.
Mr. ENGLISH, for 5 minutes today.
Mr. ANNUNZIO, for 5 minutes today.
Mr. MONTGOMERY, for 5 minutes today.
Mr. SPRATT, for 30 minutes today.
Mr. FRANK, for 30 minutes today.
Mr. LAFALCE, for 20 minutes today.
Mr. GAYDOS, for 60 minutes today.
Mr. GONZALEZ, for 60 minutes today.
Mr. GAYDOS, for 60 minutes, on April 9.
Mr. DURBIN, for 60 minutes, on April 9.
Mr. HOYER, for 5 minutes, on April 10.
Mr. FRANK, for 5 minutes, on April 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of (Mr. BARTLETT) and to include extraneous matter:)

Mrs. SCHNEIDER.
Mr. LUNGREN.
Mr. GREEN.
Mr. COURTER in three instances.
Mr. JEFFORDS.
Mr. BROYHILL in two instances.
Mr. KINDNESS.
Mr. BLILEY.
Mr. SHUMWAY.
Mr. GUNDERSON in two instances.
Mr. GRADISON.
Mr. LAGOMARSINO.
Mr. LENT.

(The following Members (at the request of (Mr. VENTO) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mrs. LLOYD in five instances.
Mr. HAMILTON in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. JONES of Tennessee in 10 instances.
Mr. BONER of Tennessee in five instances.
Mr. DE LA GARZA in 10 instances.
Mr. OWENS in two instances.
Mrs. BOXER.
Ms. MIKULSKI.
Mr. MURTHA.
Mr. COELHO in four instances.
Mr. MATSUI.
Mr. REID.
Mr. RAHALL.
Mr. BENNETT.
Mr. ASPIN.
Mr. WEISS.
Mr. HERTEL of Michigan.
Mr. BORSKI in four instances.
Mr. STARK.
Mr. FRANK in two instances.
Mr. SCHUMER.
Mr. DARDEN.

SENATE JOINT RESOLUTIONS AND A CONCURRENT RESOLUTION

Joint resolutions and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 263. Joint resolution to designate the week of September 7 through September 13, 1986, as "National Independent Retail Grocer Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 264. Joint resolution designating April 28, 1986, as "National Nursing Home Residents Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 279. Joint resolution to designate the month of October 1986, as "Lupus Awareness Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 294. Joint resolution to designate the month of April 1986 as "National Child Abuse Prevention Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 296. Joint resolution to designate October 16, 1986, as "World Food Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 308. Joint resolution designating March 25, 1986, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on Post Office and Civil Service.

S. Con. Res. 95. Concurrent resolution to recognize and honor the contributions of Consumers Union; to the Committee on Energy and Commerce.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker pro tempore.

H.R. 3128. An act to provide for reconciliation pursuant to section 2 of the first concurrent resolution on the budget for fiscal year 1986 (S. Con. Res. 32, 99th Congress).

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER pro tempore announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 52. Joint resolution to designate the month of April 1986 as "National School Library Month."

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, a bill and joint resolution of the House of the following titles:

On March 26, 1986:

H.J. Res. 573. Joint resolution making a repayable advance to the hazardous substance response trust fund.

On April 4, 1986:

H.R. 3128. An act to provide for reconciliation pursuant to section 2 of the first concurrent resolution on the budget for fiscal year 1986 (S. Con. Res. 32, 99th Congress,)

ADJOURNMENT

Mr. HEFNER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 56 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, April 9, 1986, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3109. A communication from the President of the United States, transmitting requests for supplemental appropriations for fiscal year 1986, pursuant to 31 U.S.C. 1107 (H. Doc. No. 99-187); to the Committee on Appropriations and ordered to be printed.

3110. A letter from the Assistant Secretary of the Army (Installations and Logistics), transmitting a report of the emergency disposal of a suspected chemical agent bomblet at Dugway Proving Ground, UT, pursuant to 50 U.S.C. 1518; to the Committee on Armed Services.

3111. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notification of the plan to study the conversion of various functions to contractor performance at several locations, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

3112. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report on current major defense acquisition programs (Quarterly Selected Acquisition Report), pursuant to 10 U.S.C. 139a (b)(1) and (f) (96 Stat. 740); to the Committee on Armed Services.

3113. A letter from the Assistant Secretary of Defense (Force Management and Personnel), transmitting a report on feasibility of issuing food stamp coupons to overseas households of members stationed outside the U.S., pursuant to 10 U.S.C. 133 nt.; to the Committee on Armed Services.

3114. A letter from the Assistant Secretary of the Air Force (Manpower, Reserve Affairs and Installations), transmitting a draft of proposed legislation to amend section 671 of title 10, United States Code, to permit the assignment of active duty members of the armed forces outside the United States after completion of basic training requirements; to the Committee on Armed Services.

3115. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend Chapter 47 of title 10, United States Code (Uniform Code of Military Justice), to clarify that military judges may perform certain trial functions, even though the membership of a court-martial has been temporarily reduced below quorum, and to permit additional peremptory challenges when additional court members are detailed to a court-martial; to the Committee on Armed Services.

3116. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to increase the number of members of the Selected Reserve who may be ordered to active duty, other than during a war or national emergency, to augment the active forces for an operational mission; to the Committee on Armed Services.

3117. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to terminate the status as uniformed service treatment facilities of all former Public Health Service hospitals and stations and repeal requirements for on-going studies, demonstrations and reports associated with such facilities; to the Committee on Armed Services.

3118. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend Chapter 47 of title 10, United States Code (Uniform Code of Military Justice), to simplify trial and post-trial proceedings and to modify the statute of limitations; to the Committee on Armed Services.

3119. A letter from the Administrators, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of certain strategic and critical materials from the National Defense Stockpile and to grant the Administrator of General Services the authority to transfer funds from the National Defense Stockpile Transaction Fund to the General Fund; to the Committee on Armed Services.

3120. A letter from the First Vice President and Vice Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee and insurance transactions supported by Eximbank during January 1986 to Communist countries, pursuant to 12 U.S.C. 635(b)(2); to the Committee on Banking, Finance and Urban Affairs.

3121. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the Council's 1985 annual report; to the Committee on Banking, Finance and Urban Affairs.

3122. A letter from the Chairman, National Advisory Council on International Monetary and Financial Policies, Department of the Treasury, transmitting a special report on United States membership in the Multilateral Investment Guarantee Agency (MIGA); to the Committee on Banking, Finance and Urban Affairs.

3123. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 6-143, "D.C. Uniform Conservation Easement Act of 1986", and Report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3124. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 6-144, "Closing of a Portion of a Public Alley in Square 780, S.O. 84-155, Act of 1986", and Report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3125. A letter from the Auditor, District of Columbia, transmitting a copy of his report entitled, "A Review of Substance Abuse Testing Programs in the Fiscal Year 1987 Budget", pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

3126. A letter from the Auditor, District of Columbia, transmitting a copy of his report entitled, "Review of the District's Fiscal Year 1987 Budget For Funds For Alternative Uses", pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

3127. A letter from the Secretary, Department of Education, transmitting a report on waivers of requirements of sections 312(2)(A)(ii) or 322(a)(2)(ii) of the HEA, pursuant to 20 U.S.C. 1067(a) (2); to the Committee on Education and Labor.

3128. A letter from the Chairman, National Advisory and Coordinating Council on Bilingual Education, Department of Education, transmitting the Tenth Annual Report of the National Advisory and Coordinating Council on Bilingual Education, pursuant to 20 U.S.C. 3262(c); to the Committee on Education and Labor.

3129. A letter from the Secretary of Education, transmitting the Guaranteed Student Loan Family Contribution Schedule for 1986-1987, pursuant to 20 U.S.C. 1078 nt. (Pub. L. 97-301, 9(c) (97 Stat. 481)); 20 U.S.C. 1089(a)(2); to the Committee on Education and Labor.

3130. A letter from the Chairman of the Board, Student Loan Marketing Association, transmitting the annual report of the association, pursuant to HEA section 439(n) (90

Stat. 2141); to the Committee on Education and Labor.

3131. A letter from the Secretary of Health and Human Services, transmitting a report on the most effective means of providing Federal financial support for the provision of medical treatment, general care, and appropriate social services for disabled infants with life-threatening conditions, pursuant to Public Law 98-457, section 125; to the Committee on Education and Labor.

3132. A letter from the Secretary of Education, transmitting program reviews of projects funded by the Indian Education Act, pursuant to Public Law 92-318, section 411; to the Committee on Education and Labor.

3133. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the second quarterly report, including the annual summary, on coal imports (October-December 1985), pursuant to 42 U.S.C. 7277(a); to the Committee on Energy and Commerce.

3134. A letter from the Secretary of Health and Human Services, transmitting a report on research into the effects of changes in the ozone in the stratosphere upon humans, pursuant to 42 U.S.C. 7454(e); to the Committee on Energy and Commerce.

3135. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Toxic Substances Control Act, as amended, for 2 years; to the Committee on Energy and Commerce.

3136. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to extend certain provisions of the Safe Drinking Water Act, as amended, for 2 years; to the Committee on Energy and Commerce.

3137. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Clean Air Act, as amended, for 2 years; to the Committee on Energy and Commerce.

3138. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting a comprehensive analysis of the potential for coal imports in the United States in 1995, pursuant to Public Law 99-58, section 203; to the Committee on Energy and Commerce.

3139. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's annual report on Goals, Objectives and Priorities, Fiscal Years 1986, 1987, and 1988/Accomplishments Fiscal Year 1985, pursuant to the Act of June 19, 1934, chapter 652 section 5(g) (95 Stat. 738); to the Committee on Energy and Commerce.

3140. A letter from the Secretary of Health and Human Services, transmitting a report on the experience of the Department in implementing the Freedom of Choice Waiver provisions contained in section 1915(b) of the Social Security Act, pursuant to section 1915(e)(2); to the Committee on Energy and Commerce.

3141. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more (Transmittal No. MC-17-86), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3142. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export of defense articles and defense services sold commercially under a contract in the amount of $50,000,000 or more to the Government of Egypt (Transmittal No. MC-16-86), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3143. A letter from Acting Director, Defense Security Assistance Agency, transmitting a report containing an analysis and description of services performed by full-time USG emloyees as of September 30, 1985, for which reimbursement is provided under section 21(a) or section 43(b) of the Arms Export Control Act, pursuant to 22 U.S.C. 2765(a); to the Committee on Foreign Affairs.

3144. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed Letter of Offer to Pakistan for defense articles and services estimated to cost $20 million (Transmittal No. 86-28), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3145. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter of Offer to the People's Republic of China for defense articles and services estimated to cost $550 million (Transmittal No. 86-27), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3146. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of the Department's intention to add the Philippines to the list of participants in the Anti-Terrorism Assistance Program, pursuant to FAA, section 574(a)(1) (97 Stat. 972); to the Committee on Foreign Affairs.

3147. A letter from the President of the United States, transmitting a report prepared by the Department of State concerning international agreements transmitted to Congress after the deadline for their submission, pursuant to 1 U.S.C. 112b(b); to the Committee on Foreign Affairs.

3148. A letter from the Secretary of State, transmitting the semiannual report for the period April 1985-September 1985 listing Voluntary Contributions made by the U.S. to International Organizations, pursuant to 22 U.S.C. 2226(b)(1); to the Committee on Foreign Affairs.

3149. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3150. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3151. A letter from the Under Secretary of State for Management, transmitting a report on the implementation of travel controls on certain United Nations Secretariat and Mission employees, pursuant to 22 U.S.C. 4309a(b)(2); to the Committee on Foreign Affairs.

3152. A letter from the Acting Executive Director, Board for International Broadcasting, transmitting a draft of proposed legislation to make required amendments to the Board for International Broadcasting Act of 1973 and to authorize appropriations for the Board to carry out its responsibilities as specified in that Act; to the Committee on Foreign Affairs.

3153. A letter from the Director, United States Information Agency, transmitting a draft of proposed legislation to authorize appropriations for the United States Information Agency for the fiscal year ending September 30, 1987, and for other purposes; to the Committee on Foreign Affairs.

3154. A letter from the President, African Development Foundation, transmitting a draft of proposed legislation to authorize appropriations for the African Development Foundation; to the Committee on Foreign Affairs.

3155. Communication from the President of the United States transmitting a report of the peaceful exercise conducted as part of a global Freedom of Navigation program (H. Doc. No. 99-188); to the Committee on Foreign Affairs and ordered to be printed.

3156. A letter from the Comptroller General of the United States, transmitting a report entitled, "Compliance Report for Fiscal Year 1986—Balanced Budget and Emergency Deficit Control Act of 1985" (GAO/OCG-86-2), pursuant to 2 U.S.C. 903; to the Committee on Government Operations.

3157. A letter from the Acting Chairman, Farm Credit Administration, transmitting the agency's annual report of its activities under the Freedom of Information Act during calendar year 1985, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3158. A letter from the Acting Chairman, Federal Trade Commission, transmitting the agency's annual report of its activities under the Government in the Sunshine Act during calendar year 1985, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3159. A letter from the Acting Director, Selective Service System, transmitting the agency's annual report of its activities under the Freedom of Information Act during calendar year 1985, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3160. A letter from the Administrator, U.S. Small Business Administration, transmitting the agency's annual report on competition in contracting, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

3161. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the annual report of the Federal Open Market Committee of the Federal Reserve System covering its activities under the Freedom of Information Act during calender year 1985, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3162. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the Board's ninth annual report covering its activities under the Government in the Sunshine Act during calendar year 1985 pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3163. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's annual report covering fiscal year 1985 on its compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

3164. A letter from the Chairman, National Endowment for the Arts, transmitting

the agency's annual report of its activities under the Freedom of Information Act during calendar year 1985, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3165. A letter from the Comptroller General of the United States, transmitting a copy of a joint study by the Office of the Auditor General of Canada and the United States General Accounting Office on identifying the information needs of users of Federal Government financial information; to the Committee on Government Operations.

3166. A letter from the Assistant Secretary for Policy, Budget and Administration, Department of the Interior, transmitting the annual report on competition during fiscal year 1985, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

3167. A letter from the Under Secretary for Small Community and Rural Development, Department of Agriculture, transmitting notification of a proposed new records system by the Federal Crop Insurance Corporation, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3168. A letter from the Inspector General, Department of Housing and Urban Development, transmitting notice of the Department's intent to conduct a computer matching program, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3169. A letter from the General Counsel, Foreign Claims Settlement Commission of the United States, Department of Justice, transmitting notification of a proposed new system of records for claims against the Government of Ethiopia, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3170. A letter from the Deputy Administrator of Veterans Affairs, Veterans Administration, transmitting notification of a proposed computer matching program, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3171. A letter from the Director of Administration, National Labor Relations Board, transmitting notification of two proposed new Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3172. A letter from the Executive Director, Pension Benefit Guaranty Corporation, transmitting the agency's annual report of its activities under the Freedom of Information Act during calendar year 1985, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3173. A letter from the Solicitor, United States commission on Civil Rights, transmitting a report on the Commission's compliance with the laws relating to open meetings of agencies of the Government (Government in the Sunshine Act) during calendar year 1985, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3174. A letter from the Assistant Attorney General for Administration, U.S. Department of Justice, transmitting notification of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3175. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3176. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3177. A letter from the Acting Assistant Secretary for Water and Science, Department of the Interior, transmitting notification of a deferment of the 1985 construction repayment installments due the United States from Kirwin Irrigation District No. 1, Pick-Sloan Missouri Basin Program, KS, pursuant to 43 U.S.C. 485b-1; to the Committee on Interior and Insular Affairs.

3178. A letter from the Assistant Secretary for Water and Science, Department of the Interior, transmitting notification of a deferment of the 1985 construction repayment installments due the United States from Webster Irrigation District No. 4, Pick-Sloan Missouri Basin Program, KS, pursuant to 43 U.S.C. 485-1; to the Committee on Interior and Insular Affairs.

3179. A letter from the Secretary of the Interior, transmitting a report on the leasing systems for the Central Gulf of Mexico, Sale 104, scheduled to be held in April 1986, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Interior and Insular Affairs.

3180. A letter from the Secretary of the Interior, transmitting notification of his decision not to renew the charter of the Cape Cod National Seashore Advisory Commission; to the Committee on Interior and Insular Affairs.

3181. A letter from the Director, Bureau of Justice Statistics, transmitting a report on the Bureau's activities during fiscal year 1985, pursuant to 42 U.S.C. 3732; to the Committee on the Judiciary.

3182. A letter from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting a report on grants of Suspension of Deportation of certain aliens of good character and with required residency when deportation causes hardship under section 244(a) of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1254(c); to the Committee on the Judiciary.

3183. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to provide for the administration of bankruptcy estates within the Judiciary; to the Committee on the Judiciary.

3184. A letter from the Secretary of Commerce, transmitting a report entitled "Federal Coastal Programs Review", pursuant to 16 U.S.C. 1462; to the Committee on Merchant Marine and Fisheries.

3185. A letter from the Chairman, Federal Maritime Commission, transmitting a report on the Commission's activities for the 1985 fiscal year, pursuant to the Act of June 29, 1936, chapter 858, section 208 (90 Stat. 380); to the Committee on Merchant Marine and Fisheries.

3186. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the fiscal years 1987 and 1988 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Merchant Marine and Fisheries.

3187. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend title 5, United States Code, to reform the civil service retirement system, and for other purposes; to the Committee on Post Office and Civil Service.

3188. A letter from the Executive Assistant, Personnel Appeals Board, General Accounting Office, transmitting a report on the Board's activities for the period October 1, 1984, through September 30, 1985; to the Committee on Post Office and Civil Service.

3189. A letter from the Acting Chairman, Merit Systems Protection Board, transmitting a report on the Board's activities during calendar year 1985, pursuant to 5 U.S.C. 1209(b); to the Committee on Post Office and Civil Service.

3190. A letter from the Secretary of Transportation, transmitting the Department's fourth annual report of accomplishments under the Airport Improvement Program, pursuant to Public Law 97-248, section 521; to the Committee on Public Works and Transportation.

3191. A letter from the Acting Assistant Secretary, Department of the Interior, transmitting a draft of proposed legislation authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes; to the Committee on Public Works and Transportation.

3192. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for activities under the Disaster Relief Act, as amended; to the Committee on Public Works and Transportation.

3193. A letter from the Administrator, Environemtnal Protection Agency, transmitting a draft of proposed legislation to amend and extend the Federal Water Pollution Control Act, as amended, for 2 years; to the Committee on Public Works and Transportation.

3194. A letter from the Chairman, Board of Directors, Tennessee Valley Authority, transmitting the 52d annual report on the activities of the TVA during fiscal year 1985, pursuant to the Act of May 18, 1933, chapter 32, section 9(a) (90 Stat. 377); to the Committee on Public Works and Transportation.

3195. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to authorize appropriations for environmental research, development, and demonstration for fiscal years 1987 and 1988; to the Committee on Science and Technology.

3196. A letter from the Acting Administrator, Small Business Administration, transmitting a draft of proposed legislation to establish within the Department of Commerce a Small Business Administration, to terminate certain functions of the present Small Business Administration, to transfer certain functions of the present Small Business administration to the Secretaries of Commerce and the Treasury, and for other purposes; to the Committee on Small Business.

3197. A letter from the Deputy Administrator, Veterans Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to extend the authority of the Veterans' Administration to provide contract care to U.S. veterans in the Veterans Memorial Medical Center, and to provide grants to States for State veterans homes, and for other purposes; to the Committee on Veterans' Affairs.

3198. A letter from the Secretary of Commerce, transmitting the results of the Department's study of current practices applied in making adjustments to purchase price, exporter's sales price, foreign market value, and constructed value in determining

antidumping duties, pursuant to Public Law 98-573, section 624 (98 Stat. 3042); to the Committee on Ways and Means.

3199. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend section 912(1) of the Internal Revenue Code of 1954 by including a paragraph which would grant comparable tax treatment of allowances provided to certain Department of Defense personnel under section 9(b)(1) of the National Security Agency Act of 1959 (50 U.S.C. 402 note); to the Committee on Ways and Means.

3200. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize appropriations for the United States Customs Service for fiscal years 1987 and 1988; to the Committee on Ways and Means.

3201. A letter from the Director, Office of Technology Assessment, transmitting the second report on the Prospective Payment Assessment Commission (ProPAC), pursuant to SSA, section, 1886(e)(6)(G)(i) (97 Stat. 161); to the Committee on Ways and Means.

3202. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the Social Security Act to make administrative improvements in the programs of aid to families with dependent children and child support enforcement, and for other purposes; to the Committee on Ways and Means.

3203. A letter from the Board of Trustees, Federal Hospital Insurance Trust Fund, transmitting the 1986 Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), 1395t(b)(2) (H. Doc. No. 99-190); to the Committee on Ways and Means and ordered to be printed.

3204. A letter from the Board of Trustees, Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, transmitting the 1986 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), 1395t(b)(2), (H. Doc. No. 99-189); to the Committee on Ways and Means and ordered to be printed.

3205. A letter from the Chairwoman, U.S. International Trade Commission, transmitting the 45th quarterly report on trade between the United States and the nonmarket economy countries, pursuant to 19 U.S.C. 2440; to the Committee on Ways and Means.

3206. A letter from the United States Trade Representative, transmitting a report on the dispute with the European Communities on the water solubility standard for triple superphosphate fertilizer, pursuant to 19 U.S.C. 2414(a)(3); to the Committee on Ways and Means.

3207. A letter from the Deputy Secretary of Defense, transmitting a report on the new GI bill education benefits program, pursuant to 38 U.S.C. 1436(a); jointly, to the Committees on Armed Services and Veterans' Affairs.

3208. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend and amend programs under the Head Start Act, and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

3209. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on abnormal occurrences at licensed nuclear facilities, pursuant to Public Law 93-438, section 208; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

3210. A letter from the Chairman, Board of Directors, Gorgas Memorial Institute of Tropical and Preventive Medicine, Inc., transmitting the 57th annual report of the work and operations of the Gorgas Memorial Laboratory for the fiscal year ending on September 30, 1985, pursuant to the act of May 7, 1928, chapter 505, section 3 (92 Stat. 991); jointly, to the Committees on Foreign Affairs and Energy and Commerce.

3211. A letter from the Director, Accounting and Financial Management Division, General Accounting Office, transmitting a financial audit report entitled, "Civil Service Retirement System's Financial Statements for 1984" (GAO/AFMD-86-12); jointly, to the Committees on Government Operations and Post Office and Civil Service.

3212. A letter from the Secretary of Transportation, transmitting the 11th annual report on the Department's administration of the Deepwater Port Act, pursuant to 33 U.S.C. 20; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

3213. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend title I of the Marine Protection, Research, and Sanctuaries Act, as amended, for 2 years; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

3214. A letter from the Board of Trustees, Federal Supplementary Medical Insurance Trust Fund, transmitting the 1986 Annual Report of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), 1395t(b)(2) (H. Doc. No. 99-191; jointly, to the Committees on Ways and Means and Energy and Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GARCIA: Committee on Post Office and Civil Service. H.R. 2721. A bill to amend title 13, United States Code, to require the collection of statistics on domestic apparel and textile industries; (Rept. 99-511). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. Report on the activity of the Committee on Energy and Commerce for the 99th Congress, 1st session; (Rept. 99-512). Referred to the Committee of the Whole House on the State of the Union.

Mr. ASPIN: Committee on Armed Services. H.R. 4420. A bill to amend title 10, United States Code, to revise the retirement system for new members of the uniformed services, and for other purposes; with an amendment (Rept. 99-513). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BATES:

H.R. 4516. A bill to prohibit discrimination in payment for services furnished by a physician solely because the physician is a graduate of a foreign medical school; to the Committee on Energy and Commerce.

By Mr. BROYHILL:

H.R. 4517 A bill to suspend temporarily the duty on textile reeling or winding machines; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 4518. A bill for the relief of the Florida State University; to the Committee on the Judiciary.

By Mr. GUNDERSON:

H.R. 4519. A bill to provide that certain individuals who are not citizens or nationals of the United States and certain persons who are not individuals shall be ineligible to receive financial assistance under price support and related programs administered by the Secretary of Agriculture; to the Committee on Agriculture.

By Mr. GUNDERSON:

H.R. 4520. A bill to amend the Internal Revenue Code of 1954 to deny the tax exemption for interest on industrial development bonds used to finance the acquisition of farm property by foreign persons; to the Committee on Ways and Means.

By Mr. LAFALCE:

H.R. 4521. A bill to extend the effective period for the net worth certificate provisions enacted by the Garn-St Germain Depository Institutions Act of 1982 and make permanent the emergency acquisition provisions enacted by such act, to broaden the circumstances under which emergency acquisition authority may be exercised, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. OWENS:

H.R. 4522. A bill to amend the Civil Rights Act of 1964 to prohibit employment discrimination on the basis of genetic characteristics, and for other purposes; to the Committee on Education and Labor.

By Mrs. SCHNEIDER:

H.R. 4523. A bill to direct the cooperation of certain Federal entities in the implementation of the Continental Scientific Drilling Program; jointly, to the Committees on Science and Technology, and Interior and Insular Affairs.

By Mr. SCHULZE (for himself, Mr. STALLINGS, Mr. RIDGE, Mr. LAGOMARSINO, Mr. RAHALL, Mr. DAUB, Mr. ZSCHAU, Mr. ECKART of Ohio, Mr. YATRON, Mr. DUNCAN, Mr. DE LUGO, Mr. PORTER, Mr. BIAGGI, and Mr. GALLO):

H.R. 4524. A bill to establish the Insurance Availability Crisis Commission of 1986; to the Committee on Energy and Commerce.

By Mr. SCHUMER:

H.R. 4525. A bill to vindicate the principles of the first article of amendment to the Constitution of the United States by preventing persons acting under the authority of the United States from forbidding the wearing of inconspicuous religious symbols by individuals; to the Committee on the Judiciary.

By Mr. STRATTON (for himself and Mrs. HOLT) (by request):

H.R. 4526. A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1987

and fiscal year 1988, and for other purposes; to the Committee on Armed Services.

By Mr. TAUKE (by request):

H.R. 4527. A bill to extend and amend programs under the Head Start Act, and for other purposes; to the Committee on Education and Labor.

By Mr. KILDEE:

H.J. Res. 583. Joint resolution to designate November 18, 1986, as "National Community Education Day"; to the Committee on Post Office and Civil Service.

By Mr. SWIFT (for himself, Mr. TAUKE, Mr. SKELTON, and Mr. TALLON):

H. Con. Res. 308. Concurrent resolution expressing the sense of the Congress regarding the availability of universal telephone service in rural areas; to the Committee on Energy and Commerce.

By Mr. RAHALL (for himself and Mr. ROGERS):

H. Con. Res. 309. Concurrent resolution expressing the sense of the Congress that Japan has not honored the Joint Policy Statement on Energy Cooperation as it relates to United States exports of metallurgical coal and that the President should seek to establish an agreement with Japan for reciprocity between metallurgical coal exports and steel product imports; to the Committee on Ways and Means.

By Mr. THOMAS of Georgia (for himself, Mr. HUCKABY, and Mr. MOORE):

H. Con. Res. 310. Concurrent resolution to express the sense of Congress with respect to agricultural loan restructuring; to the Committee on Agriculture.

By Mr. HORTON (for himself, Mr. COELHO, Mr. JEFFORDS, Mr. BOEHLERT, Mr. ROSE, Mr. GREEN, Mr. OBEY, Mr. DAUB, Mr. LUNDINE, Mr. MARTIN of New York, Mr. LANTOS, Mr. MARKEY, Mr. SMITH of New Hampshire, Mr. BROWN of California, Mr. COOPER, Mrs. SCHROEDER, Mr. MOODY, Mr. STUDDS, Mr. CHANDLER, Mr. RAHALL, Mr. WHITEHURST, Mrs. BOXER, Mr. BOLAND, and Mr. BIAGGI):

H. Res. 407. Resolution expressing the sense of the United States House of Representatives that the Secretary of Agriculture should investigate identification procedures to be used in lieu of the hot-iron branding of animals' cheeks; to the Committee on Agriculture.

By Mr. SCHUMER:

H. Res. 408. Resolution expressing the sense of the House regarding the search for, and appropriate judgment and prosecution of Nazi War Criminals; to the Committee on the Judiciary.

By Mr. WEISS (for himself, Mr. GRAY of Pennsylvania, Mr. FRANK, Mr. SOLARZ, Mr. LEHMAN of Florida, Mr. DELLUMS, Mr. OWENS, Mr. HEFTEL of Hawaii, Mr. BIAGGI, and Mr. SCHUMER):

H. Res. 409. Resolution expressing the sense of the House of Representatives that the Attorney General should examine evidence regarding the activities of former United Nations Secretary General Kurt Waldheim during the Second World War and should determine whether such evidence requires that Kurt Waldheim be denied admission into the United States; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

322. By the SPEAKER: Memorial of the Senate of the State of Oklahoma, relative to the foreclosure actions by the Farmers Home Administration; to the Committee on Agriculture.

323. Also, memorial of the Senate of the State of Arizona, relative to a strategic defense initiative; to the Committee on Armed Services.

324. Also. memorial of the General Assembly of the State of Indiana, relative to legislation to repeal the Federal Reserve Act and restore the gold standard; to the Committee on Banking, Finance and Urban Affairs.

325. Also, memorial of the Legislature of the State of Wyoming, relative to an audit to the Federal Reserve System; to the Committee on Banking, Finance and Urban Affairs.

326. Also, memorial of the Legislature of the State of New Hampshire, relative to implementing a household hazardous waste coding system; to the Committee on Energy and Commerce.

327. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to efforts to locate and rescue American prisoners of war in Southeast Asia; to the Committee on Foreign Affairs.

328. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to the construction of a Korean War Veterans Memorial; to the Committee on House Administration.

329. Also, memorial of the Legislature of the State of Wyoming, relative to the proposed future management of the Yellowstone and Grand Teton National Parks by the Federal Government; to the Committee on Interior and Insular Affairs.

330. Also, memorial of the House of Representatives of the State of Delaware, relative to public lands and agricultural production; to the Committee on Interior and Insular Affairs.

331. Also, memorial of the General Assembly of the State of Indiana, relative to the tenure of Federal judges; to the Committee on the Judiciary.

332. Also, memorial of the General Assembly of the State of Indiana, relative to ratification of the proposed amendment to the Constitution of the United States of America regarding the compensation of Senators and Representatives; to the Committee on the Judiciary.

333. Also, memorial of the Legislature of the State of California, relative to Federal income taxation; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 147: Mr. GALLO.

H.R. 512: Mr. STALLINGS and Mr. FRANK.

H.R. 513: Mr. DASCHLE.

H.R. 796: Mr. PEASE.

H.R. 979: Mr. BOULTER.

H.R. 1295: Mr. EDGAR, and Mr. MILLER of California.

H.R. 1485: Mrs. BENTLEY.

H.R. 1486: Mrs. BENTLEY.

H.R. 1499: Mr. LENT.

H.R. 1577: Mr. AKAKA.

H.R. 1597: Mr. AKAKA and Mr. RAHALL.

H.R. 1769: Mr. HUTTO.

H.R. 1877: Mr. DELLUMS and Mr. MCCOLLUM.

H.R. 2093: Mr. BRYANT, Mr. MARTINEZ, Mr. RANGEL, and Mr. NEAL.

H.R. 2170: Mr. ROBERT F. SMITH.

H.R. 2210: Mr. FOWLER and Mr. DICKS.

H.R. 2504: Mr. TRAXLER, Mr. GEJDENSON, and Mr. BROYHILL.

H.R. 2568: Mr. CHAPPIE, Mr. GEKAS, Mr. WORTLEY, Mr. LAGOMARSINO, Mr. COBEY, Mr. HENDON, Mr. LEACH of Iowa, and Mrs. BENTLEY.

H.R. 2578: Mr. CRAIG, Mr. DONNELLY, Mr. GILMAN, Mr. HAMILTON, Mr. HAMMERSCHMIDT, Mr. HENRY, Mr. HUBBARD, Mr. KASICH, Mr. LEHMAN of California, Mr. OLIN, Mr. REGULA, Mr. SEIBERLING, Mr. TALLON, and Mr. TRAFICANT.

H.R. 2793: Mr. DIOGUARDI and Mr. MARKEY.

H.R. 3006: Mr. BIAGGI and Mr. DYMALLY.

H.R. 3024: Mr. SUNDQUIST and Mrs. LLOYD.

H.R. 3247: Mr. SEIBERLING.

H.R. 3426: Mrs. BENTLEY and Mr. BRYANT.

H.R. 3465: Mr. BRYANT, Mr. HUBBARD, Mr. ASPIN, and Mr. FORD of Tennessee.

H.R. 3558: Mr. FUSTER.

H.R. 3646: Mr. SMITH of New Hampshire.

H.R. 3647: Mr. SMITH of New Hampshire.

H.R. 3648: Mr. SMITH of New Hampshire and Mr. HANSEN.

H.R. 3649: Mr. SMITH of New Hampshire.

H.R. 3688: Mr. MACKAY.

H.R. 3693: Mr. GINGRICH, Mr. WORTLEY, Mr. COBEY, Mr. ARMEY, Mr. LAGOMARSINO, and Mr. SWINDALL.

H.R. 3835: Mr. MARTINEZ, Mr. HOWARD, and Mr. HOYER.

H.R. 3898: Mrs. SCHNEIDER and Mr. WIRTH.

H.R. 3950: Mr. DWYER of New Jersey, Mr. FOGLIETTA, Mrs. JOHNSON, Mr. SCHEUER, and Mr. GEJDENSON.

H.R. 4025: Mr. VOLKMER, Mr. LANTOS, Mr. MCCLOSKEY, Mr. MATSUI, Mrs. SCHROEDER, Mr. DELLUMS, Mr. WYDEN, Mr. ROE, Mr. HENDON, and Mr. KANJORSKI.

H.R. 4033: Mr. WOLPE.

H.R. 4041: Mr. DENNY SMITH, Mr. BILIRAKIS, and Mr. EDWARDS of Oklahoma.

H.R. 4072: Mr. SEIBERLING, Mr. MOODY, Mr. SABO, Mr. WOLPE, and Mr. KLECZKA.

H.R. 4082: Mr. PORTER, Mr. TAUKE, and Mr. MARTINEZ.

H.R. 4086: Mr. OWENS and Mr. PURSELL.

H.R. 4204: Mr. EDWARDS of California and Mr. BEILENSON.

H.R. 4227: Mr. MARKEY, Mr. VENTO, and Mr. BONIOR of Michigan.

H.R. 4257: Mr. BEVILL, Mr. HENDON, Mr. PACKARD, and Mr. JONES of North Carolina.

H.R. 4267: Mr. EDWARDS of Oklahoma.

H.R. 4302: Mr. MARTINEZ, Mr. ROE, Mr. QUILLEN, Mrs. BENTLEY, Mr. STALLINGS, Mr. LAGOMARSINO, Mr. WORTLEY, Mr. O'BRIEN, Mr. HORTON, Ms. OAKAR, Mr. PANETTA, Mr. MONSON, Mr. HUGHES, Mr. FAZIO, Mr. HALL of Ohio, and Mrs. BOXER.

H.R. 4364: Mr. OLIN.

H.R. 4382: Mr. HORTON, Mr. WHITEHURST, Mr. DAUB, Mr. MRAZEK, Mr. TOWNS, Mr. DE LA GARZA, and Mr. FAZIO.

H.R. 4391: Mr. MOAKLEY, Mr. HORTON, Mr. YATRON, Mr. ROE, Mr. BRYANT, Mr. PEPPER, Mr. LELAND, Mr. JACOBS, Mr. NATCHER, Mr. RAHALL, Mr. JONES of North Carolina, Mr. WOLPE, and Mr. OWENS.

H.R. 4419: Mr. WHITEHURST.

H.R. 4421: Mr. STAGGERS, Mr. LEVIN of Michigan, Mr. BATES, Mrs. SCHROEDER, Mr. PEPPER, Mr. RANGEL, Mr. HOWARD, Mr. VENTO, Mr. WYDEN, Mr. HUBBARD, Mr. DYSON, Mr. WOLPE, Mr. HORTON, Mr. FORD of Michigan, Mr. PENNY, Mrs. BYRON, Mr.

EVANS of Illinois, Ms. SNOWE, Ms. MIKULSKI, Mr. BONIOR of Michigan, Mr. BARNES, and Mr. SMITH of Florida.

H.R. 4422: Mr. MOAKLEY, Mr. BOLAND, Mr. FRANK, Mr. WALGREN, Mr. GRAY of Illinois, Mr. WISE, Mr. KLECZKA, Mr. VENTO, Mr. MRAZEK, Mr. EVANS of Illinois, Mr. TOWNS, Mr. FAZIO, Mr. MCHUGH, Mr. WORTLEY, Mr. MITCHELL, Mrs. BYRON, Mr. BIAGGI, and Mr. SCHEUER.

H.R. 4439: Mr. HUTTO, Mr. DAUB, Mr. LAFALCE, Mr. LOTT, Mr. ECKART of Ohio, Mr. TAUZIN, and Mr. HAMMERSCHMIDT.

H.R. 4476: Mr. STRANG, Mr. LOTT, and Mr. LAGOMARSINO.

H.J. Res. 234: Mr. ANDERSON, Mr. LUNDINE, and Mr. NELSON of Florida.

H.J. Res. 266: Mr. ENGLISH, Mr. GARCIA, Mr. JEFFORDS, Mr. YOUNG of Missouri, Mr. HALL of Ohio, Mr. SHUMWAY, Mr. BADHAM, Mr. ST GERMAIN, Mr. BROOKS, Mr. HOWARD, Mr. GILMAN, Mr. UDALL, Mr. RUSSO, Mr. BROWN of California, Mr. WOLPE, Mr. DWYER of New Jersey, and Mr. BROYHILL.

H.J. Res. 311: Mr. LUKEN and Mr. ANDERSON.

H.J. Res. 381: Mr. RUSSO, Mr. THOMAS of Georgia, Mr. NOWAK, Mr. WOLF, Mr. MOLINARI, Mr. STRATTON, Mr. ERDREICH, Mr. MURTHA, Mr. COBLE, and Mr. WOLPE.

H.J. Res. 422: Mr. HALL of Ohio.

H.J. Res. 460: Mr. HOYER.

H.J. Res. 502: Mr. BEDELL, Mr. BLILEY, Mr. BROYHILL, Mr. CHANDLER, Mr. CROCKETT, Mr. DAVIS, Mr. DE LUGO, Mr. DERRICK, Mr. FROST, Mr. GUARINI, Mr. HAMILTON, Mr. HOYER, Mr. KASTENMEIER, Mr. KOSTMAYER, Mr. LEACH of Iowa, Mrs. LLOYD, Mr. HILER, Mr. MONSON, Mr. MOODY, Mr. ORTIZ, Mr. PETRI, Mr. RICHARDSON, Mr. ROBERT F. SMITH, Mr. SOLARZ, Mr. VALENTINE, Mr. WAXMAN, Mr. WOLF, and Mr. FORD of Michigan.

H.J. Res. 504: Mr. ACKERMAN, Mr. BATEMAN, Mrs. BENTLEY, Mrs. BYRON, Mr. COLEMAN of Missouri, Mr. EDWARDS of Oklahoma, Mr. FOWLER, Mr. HAYES, Mr. LIGHTFOOT, Mr. MANTON, Mrs. VUCANOVICH, and Mr. MOORHEAD.

H.J. Res. 528: Mr. DAVIS and Mr. ROE.

H.J. Res. 531: Mr. EARLY, Mr. HALL of Ohio, Mr. ROWLAND of Georgia, Mr. MAVROULES, Mr. VALENTINE, Mr. APPLEGATE, Mr. RAHALL, Mr. SKELTON, Mr. TRAFICANT, Mr. GIBBONS, Mr. SKEEN, Mr. MOODY, and Mr. YATRON.

H. Con. Res. 303: Ms. SNOWE.

H. Res. 382: Mr. BLILEY, Mr. LOWRY of Washington, Mr. EVANS of Illinois, Mr. FRANK, Mr. KLECZKA, Mr. EDWARDS of California, Mr. WEISS, Mr. DELLUMS, Mr. UDALL, Mr. SABO, Mr. ADDABBO, Mr. GEJDENSON, Mr. WILSON, Mr. OBERSTAR, Mr. PEPPER, Mr. SMITH of Florida, Mr. LEHMAN of Florida, Mr. DORNAN of California, Mr. DWYER of New Jersey, Mr. VALENTINE, Mr. WORTLEY, Mr. SAVAGE, Mr. SEIBERLING, Mr. HAYES, Mr. BEDELL, Mr. WALGREN, Mr. DIXON, Mr. ACKERMAN, Mr. GILMAN, Mr. VENTO, Mr. HALL of Ohio, Mrs. BOXER, Mr. REID, Mr. MOODY, Mr. FAZIO, Mr. MATSUI, and Mr. MARTINEZ.

H. Res. 385: Mr. BATEMAN, Mr. HORTON, Mr. MOODY, Mr. RODINO, Mr. UDALL, Mr. KOSTMAYER, Mr. LANTOS, Mr. LAGOMARSINO, Mr. GREEN, Mr. FAUNTROY, Mr. FRANK, Mr. WILSON, Mr. SCHEUER, Mr. MCGRATH, Mr. LEHMAN of Florida, Mr. BEDELL, Mr. DORNAN of California, Mrs. MARTIN of Illinois, Mr. ROBINSON, Mr. RANGEL, Mr. WORTLEY, Mr. BURTON of Indiana, Mr. GILMAN, Mr. SAXTON, Mr. WEISS, Mr. SOLARZ, Mr. DIOGUARDI, Mr. SCHUMER, Mr. FROST, Mr. MORRISON of Connecticut, Mr. MANTON, Mr. LEVIN of Michigan, Mr. HEFTEL of Hawaii, Mr. FAZIO, Mr. MATSUI, Mr. HOYER, Mr. WAXMAN, Mrs. BOXER, Mr. MARTINEZ, and Mr. WIRTH.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

296. By the Speaker: Petition of the Civil Affairs Association, relative to a civil affairs master plan; to the Committee on Armed Services.

297. Also, petition of the Cayuga County Legislature, Auburn, N.Y., relative to the enactment of H.R. 3838, "Tax Reform Act of 1986"; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4332

By Mr. TORRICELLI:

—At the end of the bill add the following new section:

SEC. 16. PROHIBITION ON TRANSFER OF HANDGUNS TO JUVENILES.

Section 922 is amended by adding after the subsection added by section 2(b) the following:

"(o)(1) It shall be unlawful for any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) to transfer or deliver a handgun to any individual who the person knows or has reasonable cause to believe is less than twenty-one years of age.

"(2) Paragraph (1) does not prohibit the loan of a handgun to an individual for the purpose of that individual's engaging in a lawful sporting activity under the supervision of an individual who has attained the age of twenty-one years.".

By Mr. TRAFICANT:

—Page 14, line 6, insert "OR FIREARM USE IN ESPECIALLY SERIOUS DRUG TRAFFICKING CRIME" after "CRIME".

Page 14, line 12, insert "or if the drug trafficking crime is an especially serious drug trafficking crime" after "machinegun".

Page 14, line 16, insert "or if the drug trafficking crime is an especially serious drug trafficking crime" after "machinegun".

Page 14, line 18, strike out "DEFINITION" and insert "DEFINITIONS" in lieu thereof.

Page 15, after line 4 insert the following:

(3) Section 924(c) of title 18, United States Code, is amended by adding after the paragraph added by section 10(a) the following:

"(3) As used in this subsection, the term 'especially serious drug trafficking crime' means a drug trafficking crime that involves—

"(A) 2 or more kilograms of a narcotic drug described in subparagraph (C), (D), or (E) of section 102(17) of the Controlled Substances Act (21 U.S.C. 802(17));

"(B) 1 or more kilograms of a narcotic drug in schedule I or II in the Controlled Substances Act (21 U.S.C. 801 et seq.) that is not described in subparagraph (C), (D), or (E) of section 102(17) of such Act;

"(C) 1 kilogram or more of phencyclidine; or

"(D) 25 grams or more of lysergic acid diethylamide.".

By Mr. ZSCHAU:

—Page 18, strike out line 4 and all that follows through line 16 on page 19.

By Mrs. COLLINS:

(Amendment to Volkmer amendment in the nature of a substitute.)

—At the end insert the following:

SEC. . HANDGUN REGISTRATION.

(a) STATES REQUIRED TO ESTABLISH HANDGUN REGISTRATION.—

(1) Not later than two years after the date of the enactment of this Act, each State shall establish a State handgun registration system.

(2) Each State shall design the State handgun registration system required under paragraph (1) so that—

(A) such system will contain an easily retrievable record identifying—

(i) the possessor of each handgun possessed by a resident of such State; and

(ii) such handgun; and

(B) suitable penalties (including mandatory imprisonment for a period of not less than 15 years) are imposed on persons possessing handguns in violation of the requirement of registration.

(3) each State shall maintain the State handgun registration system so established so that such system reasonably accomplishes such system's purposes.

(b) FEDERAL HANDGUN REGISTRATION SYSTEM IN NONCOMPLYING STATES.—

(1) The Attorney General shall declare that the Federal handgun registration system established under subsection (c) applies in any State the Attorney General determines, after opportunity for a hearing on the record, has not substantially complied with a requirement of subsection (a).

(2) Such Federal handgun registration system shall continue to apply in such State until the Attorney General is satisfied that substantial compliance by such State with the requirements of subsection (a) has been achieved.

(c) FEDERAL HANDGUN REGISTRATION SYSTEM.—

(1) The Attorney General shall establish a Federal handgun registration system for application to States in accordance with subjection (b).

(2) The Attorney General shall design such Federal handgun registration system so that such system will contain, in an easily retrievable record, information sufficient to identify—

(A) the possessor of each handgun possessed by a resident of each State in which such Federal handgun registration system applies; and

(B) such handgun.

(3) Whoever possesses a handgun in violation of the requirement of registration under the Federal handgun registration system established under this subsection shall be fined not more than $250,000 or imprisoned not less than 15 years, or both. The court shall not suspend a sentence of imprisonment imposed for an offense under this subsection, and a probationary sentence may not be imposed for an offense under this subsection.

(d) DEFINITIONS.—For the purposes of this section—

(1) the term "handgun" means a pistol or revolver originally designed to be fired by the use of a single hand and which is designed to fire or capable of firing fixed cartridge ammunition, or any other firearm (as such term is defined for the purposes of chapter 44 of title 18 of the United States Code), originally designed to be fired by the use of a single hand; and

(2) the term "State" includes the District of Columbia and any possession or other territory of the United States.

By Mr. DINGELL: (Amendment to the Volkmer amendment in the nature of a substitute.)

—Page 7, line 11, insert "(except a handgun)" after "firearm".

Page 5, line 25, strike out the closed quotation mark and the period that follows.

Page 5, after line 25, insert the following:

"(25) The term "handgun" means a firearm which has a short stock and is designed to be held and fired by the use of a single hand."

By Mr. HUGHES: (Amendments to the Volkmer amendment in the nature of a substitute.)

—Page 3, strike out line 19 and all that follows through line 16 on page 5 and insert in lieu thereof the following:

"(21) The term 'engaged in the business', with respect to an activity, means devoting time, attention, and labor to that activity on a recurring basis, and for that purpose maintaining firearms on hand or being willing and able to procure firearms, but such term does not include the sale by the owner of a personal collection in connection with liquidation of such a collection.".

Page 11, after line 22, insert the following:

(5) Section 923(d)(1)E)(i) of title 18, United States Code, is amended—

(A) by striking out "conducts" and inserting "engages in" in lieu thereof; and

(B) by striking out "conduct" and inserting "engage in" in lieu thereof.

Redesignate succeeding paragraphs accordingly.

Page 7, line 10, strike out "shall not apply" and all that follows through "firearms)" in line 2 on page 8, and insert in lieu thereof the following: "shall not apply to the sale or delivery of any rifle or shotgun to a resident of a State other than a State in which the licensee's place of business is located if the transferee meets in person with the transferor to accomplish the transfer, and the sale, delivery, and receipt fully comply with the legal conditions of sale in both such States (and any licensed manufacturer, importer, or dealer shall be presumed, for purposes of this subparagraph, in the absense of evidence to the contrary, to have had actual knowledge of the State laws and published ordinances of both States)."

Page 11, strike out line 9 and all that follows through line 22 and redesignate succeeding paragraphs accordingly.

Page 11, strike out line 23 and all that follows through line 24 and redesignate succeeding paragraphs accordingly.

Page 14, beginning in line 3, strike out "of a person" and all that follows through "licensee" in line 4.

Page 14, line 6, strike out "once" and insert "twice" in lieu thereof.

Page 14, line 7, insert ", unless the Secretary or the Director of the Bureau of Alcohol, Tobacco, and Firearms approves such application" after "period".

Page 14, line 10, strike out "in the course" and all that follows through "investigation" in line 11.

Page 13, line 25, strike out "or".

Page 14, line 1, insert ", or a licensed collector" after "dealer".

Page 14, strike out line 12 and all that follows through line 21 and redesignate succeeding subparagraphs accordingly.

Page 19, line 15, strike out "willfully" and inserting "knowingly" in lieu thereof.

Page 26, strike out line 16 and all that follows through the matter immediately following line 5 on page 27 and insert in lieu thereof the following:

SEC. 108. INTERSTATE TRANSPORT OF RIFLES AND SHOTGUNS.

Section 927 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "No"; and

(2) by adding at the end the following:

"(b) Notwithstanding any provision of State or local law to the contrary, any individual may transport any secured shotgun or secured rifle from such individual's place of origin to any destination State if—

"(1) such transport is—

"(A) incident to the change of the individual's State of residence; or

"(B) for the purpose of lawful participation in, or returning from lawful participation in—

"(i) hunting;

"(ii) a shooting match or contest; or

"(iii) any other lawful sporting activity;

and

"(2) the individual may lawfully transport and possess such shotgun or rifle—

"(A) in the individual's place of origin, the destination State, and the destination political subdivision of the destination State; and

"(B) under Federal law.

"(c) For purposes of subsection (b)—

"(1) a rifle or shotgun is secured if the rifle or shotgun—

"(A) is enclosed or cased;

"(B) is not readily accessible; and

"(C) is not loaded with ammunition; and

"(2) the term 'place of origin' means—

"(A) in the case of a change of residence, the State and political subdivision thereof from which residence is changed; and

"(B) in any other case, the State and political subdivision thereof in which the possession or transport of the rifle or shotgun begins.".

Page 27, beginning in line 23, strike out "part" and all that follows through "exclusively" in line 1 on page 28 and insert in lieu thereof "part designed and intended solely and exclusively, or combination of parts designed and intended,".

Page 10, line 5, strike out "and".

Page 10, line 12, strike out the final period and insert "; and" in lieu thereof.

Page 10, after line 12, insert the following:

(9) by inserting after the subsection added by paragraph (8) of this section the following:

"(o)(1) Except as provided in paragraph (2), it shall be unlawful for any person to transfer or possess a firearm silencer.

"(2) This subsection does not apply with respect to—

"(A) a transfer to or by, or possession by or under the authority of, the United States or any department or agency thereof or a State, or a department, agency, or political subdivision thereof; or

"(B) any lawful transfer or lawful possession of a firearm silencer that was lawfully possessed before the date this subsection takes effect.".

Page 28, after line 20 insert the following:

"(c) PROHIBITION ON FIREARM SILENCERS.—Section 102(9) shall take effect on the date of the enactment of this Act.".

Page 2, strike out line 16 and all that follows through line 21 and redesignate succeeding paragraphs accordingly.

Page 6, strike out line 3 and all that follows through line 16 and redesignate succeeding paragraphs accordingly.

Page 6, beginning in line 17, strike out "(2)" and all that follows through line 22 and insert in lieu thereof the following: "(2), by striking out 'or licensed dealer for the sole purpose of repair or customizing;' and inserting in lieu thereof 'licensed dealer, or licensed collector;';".

Page 7, strike out line 5 and all that follows through line 6 and redesignate succeeding subparagraphs accordingly.

Page 8, line 4, insert "and" after the semicolon.

Page 8, strike out line 8 and all that follows through line 12.

Page 10, line 19, strike out ", or importing or manufacturing" and insert "or" in lieu thereof.

Page 11, strike out line 2 and all that follows through line 4 and redesignate succeeding paragraphs accordingly.

Page 13, line 1, insert ", ammunition (other than armor-piercing ammunition) in transactions involving 1,000 rounds or more, and armor-piercing ammunition," after "firearms".

—Page 2, strike out line 16 and all that follows through line 21 and redesignate succeeding paragraphs accordingly.

Page 6, strike out line 3 and all that follows through line 16.

Redesignate succeeding paragraphs accordingly.

Page 6, beginning in line 17, strike out "(2)" and all that follows through line 22 and insert in lieu thereof the following: "(2), by striking out "or licensed dealer for the sole purpose of repair or customizing;" and inserting in lieu thereof "licensed dealer, or licensed collector;";

Page 7, strike out line 5 and all that follows through line 6 and redesignate succeeding subparagraphs accordingly.

Page 8, line 4, insert "and" after the semicolon.

Page 8, strike out line 8 and all that follows through line 12.

Page 10, line 19, strike out ", or importing or manufacturing" and insert "or" in lieu thereof.

Page 11, strike out line 2 and all that follows through line 4 and redesignate succeeding paragraphs accordingly.

Page 13, line 1, insert ", ammunition (other than armor-piercing ammunition) in transactions involving 1,000 rounds or more, and armor-piercing ammunition," after "firearms".

—Page 11, after line 22, insert the following:

(5) Section 923(d)(1)(E)(i) of title 18, United States Code, is amended—

(A) by striking out "conducts" and inserting "engages in" in lieu thereof; and

(B) by striking out "conduct" and inserting "engage in" in lieu thereof.

Redesignate succeeding paragraphs accordingly.

Page 3, strike out line 19 and all that follows through line 16 on page 5 and insert in lieu thereof the following:

"(21) The term 'engaged in the business', with respect to an activity, means devoting time, attention, and labor to that activity on a recurring basis, and for that purpose maintaining firearms on hand or being willing and able to procure firearms, but such term does not include the sale by the owner of a personal collection in connection with liquidation of such a collection.".

—Page 14, beginning in line 3, strike out "of a peson" and all that follows through "licensee" in line 4.

Page 14, line 6, strike out "once" and insert "twice" in lieu thereof.

Page 14, line 7, insert ", unless the Secretary or the Director of the Bureau of Alcohol, Tobacco, and Firearms approves such application" after "period".

Page 14, line 10, strike out "in the course" and all that follows through "investigation" in line 11.

Page 13, line 25, strike out "or".

Page 14, line 1, insert ", or a licensed collector" after "dealer".

Page 14, strike out line 12 and all that follows through line 21 and redesignate succeeding subparagraphs accordingly.

—Page 26, strike out line 16 and all that follows through the matter immediately following line 5 on page 27 and insert in lieu thereof the following:

SEC. 108. INTERSTATE TRANSPORT OF RIFLES AND SHOTGUNS.

Section 927 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "No"; and

(2) by adding at the end the following:

"(b) Notwithstanding any provision of State or local law to the contrary, any individual may transport any secured shotgun or secured rifle from such individual's place of origin to any destination State if—

"(1) such transport is—

"(A) incident to the change of the individual's State of residence; or

"(B) for the purpose of lawful participation in, or returning from lawful participation in—

"(i) hunting;

"(ii) a shooting match or contest; or

"(iii) any other lawful sporting activity; and

"(2) the individual may lawfully transport and possess such shotgun or rifle—

"(A) in the individual's place of origin, the destination State, and the destination political subdivision of the destination State; and

"(B) under Federal law.

"(c) For purposes of subsection (b)—

"(1) a rifle or shotgun is secured if the rifle or shotgun—

"(A) is enclosed or cased;

"(B) is not readily accessible; and

"(C) is not loaded with ammunition; and

"(2) the term 'place of origin' means—

"(A) in the case of a change of residence, the State and political subdivision thereof from which residence is changed; and

"(B) in any other case, the State and political subdivision thereof in which the possession or transport of the rifle or shotgun begins.".

By Mr. McCOLLUM:

(Amendment to the Volkmer amendment in the nature of a substitute.)

—Page 7, strike out line 22 and all that follows through "firearms)" on line 2 on page 8 and insert in lieu thereof "accomplish the transfer or to negotiate the transfer".

Page 19, line 2, strike out "this section" and insert "paragraph (2) of this subsection, subsection (b) or (c) of this section," in lieu thereof.

Page 27, beginning in line 23, strike out "part" and all that follows through "exclusively" in line 1 on page 28 and insert in lieu thereof "part designed and intended solely and exclusively, or combination of parts designed and intended,".

Page 5, line 22, strike out "part or".

Page 5, line 23, strike out, "intended only" and insert "and intended" in lieu thereof.

Page 5, line 24, strike out "such".

Page 5, line 25, after "muffler" insert ", and any part intended only for use in such assembly or fabrication".

Page 22, line 24, strike out "not more" and insert "not less" in lieu thereof.

Page 23, line 1, strike out "suspsend" and insert "suspend" in lieu thereof.

Page 10, strike out line 5 and insert in lieu thereof the following:

(7) so that subsection (h) reads as follows:

"(h) It shall be unlawful for any individual, who to that individual's knowledge and while being employed for any person described in any paragraph of subsection (g) of this section, in the course of such employment—

"(1) to receive, possess, or transport any firearm or ammunition in or affecting interstate or foreign commerce; or

"(2) to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce."; and

Page 27, line 20, insert "(a)" before "Section".

Page 28, after line 2, insert the following:

"(b) CONFORMING AMENDMENT.—Section 5845(a)(7) of the National Firearms Act (26 U.S.C. 5845(a)(7)) is amended to read "(7) any silencer (as defined in section 921 of title 18, United States Code);".

By Mr. TORRICELLI:

(Amendment to the Volkmer Amendment in the nature of a substitute.)—Section 102 of the matter proposed to be inserted is amendment—

(1) in paragraph (7), by striking out "and";

(2) in paragraph (8), by striking out the period at the end and inserting in lieu thereof "; and "; and

(3) by adding at the end thereof the following new paragraph:

(9) by inserting after the subsection added by paragraph (8) the following:

"(o)(1) It shall be unlawful for any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) to transfer or deliver a handgun to any individual who the person knows or has reasonable cause to believe is less than twenty-one years of age.

"(2) Paragraph (1) does not prohibit the loan of a handgun to an individual for the purpose of that individual's engaging in a lawful sporting activity under the supervision of an individual who has attained the age of twenty-one years.

"(3) As used in this subsection, the term 'handgun' means a firearm which has a short stock and is designed to be held and fired by the use of a single hand.".

Section 110 of such matter is amended—

(1) in subsection (a), by striking out "The amendments" and inserting in lieu thereof "Except as otherwise provided in this section, the amendments"; and

(2) by adding at the end thereof the following new subsection:

(c) PROHIBITION ON TRANSFER OF HANDGUNS TO JUVENILES.—Section 102(9) shall take effect on the date of the enactment of this Act.

By Mr. TRAFICANT:

(Amendment to the Volkmer amendment in the nature of a substitute.)

—Page 20, line 14, insert "or if the drug trafficking crime is an especially serious drug trafficking crime" after "machinegun".

Page 20, line 19, insert "or if the drug trafficking crime is an especially serious drug trafficking crime" after "machinegun".

Page 21, line 2, strike out the close quotation mark and the semicolon which follows.

Page 21, after line 2 insert the following:

"(3) For purposes of this subsection, the term 'especially serious drug trafficking crime' means a drug trafficking crime that involves—

"(A) 2 or more kilograms of a narcotic drug described in subparagraph (C), (D), or (E) of section 102(17) of the Controlled Substances Penalties Act (21 U.S.C. 802(17));

"(B) 1 or more kilograms of a narcotic drug in schedule I or II in the Controlled Substances Act (21 U.S.C. 801 et seq.) that is not described in subparagraph (C), (D), or (E) of section 102(17) of such Act;

"(C) 1 kilogram or more of phencyclidine; or

"(D) 25 grams or more of lysergic acid diethylamide.";

By Mr. ZSCHAU:

(Amendment to the Volkmer amendment in the nature of a substitute.)

—Page 3, strike out line 19 and all that follows through line 16 on page 5 and insert in lieu thereof the following:

"(21) The term 'engaged in the business', with respect to an activity, means devoting time, attention, and labor to that activity on a recurring basis, and for that purpose maintaining firearms on hand or being willing and able to procure firearms, but such terms does not include the sale by the owner of a personal collection in connection with liquidation of such a collection.".

Page 11, after line 22, insert the following:

(5) Section 923(d)(1)(E)(i) of title 18, United States Code, is amended—

(A) by striking out "conducts" and inserting "engages in" in lieu thereof; and

(B) by striking out "conduct" and inserting "engage in" in lieu thereof.

Redesignate succeeding paragraphs accordingly.

Page 7, line 10, strike out "shall not apply" and all that follows through "firearms)" in line 2 on page 8, and insert in lieu thereof the following: "shall not apply to the sale or delivery of any rifle or shotgun to a resident of a State other than a State in which the licensee's place of business is located if the transferee meets in person with the transferor to accomplish the transfer, and the sale, delivery, and receipt fully comply with the legal conditions of sale in both such States (and any licensed manufacturer, importer or dealer shall be presumed, for purposes of this subparagraph, in the absence of evidence to the contrary, to have had actual knowledge of the State laws and published ordinances of both States)".